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COUNTRY REPORTS ON HUMAN RIGHTS
PRACTICES FOR 1985

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REPORT

SUBMITTED TO THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

AND THE

COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE

BY THE

DEPARTMENT OF STATE

IN ACCORDANCE WITH SECTIONS 116(d) AND 502B(b) OF THE
FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED



FEBRUARY 1986 - 182

Printed for the use of the Committees on Foreign Affairs and Foreign
Relations of the House of Representatives and the Senate respectively

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FOREWORD

The reports on individual country human rights practices contained herein were prepared by the Department of State in accordance with sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961, as amended. They also fulfill the legislative requirement of section 31 of the Bretton Woods Agreement Act.

Because there is interest in human rights practices of all nations—those that receive U.S. foreign assistance and those that do not—these reports are being printed to assist Members of Congress in considering legislation in the area of foreign assistance.

DANTE B. FASCELL,
Chairman, Committee on Foreign Affairs,
RICHARD G. LUGAR,
Chairman, Committee on Foreign Relations.

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COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES

INTRODUCTION

1985 Human Rights Report

This report is submitted to the Congress by the Department of State in compliance with Sections 116(d)(1) and 502B(b) of the Foreign Assistance Act of 1961, as amended.* The legislation requires human rights reports on all countries that receive aid from the United States and all countries that are members of the United Nations. In the belief that the information would be useful to the Congress and other readers, we have also included reports on countries such as Switzerland, which are not technically covered in the congressional requirement.

In compliance with a new legislative requirement in Section 505(c) of the Trade Act of 1974, as amended by Title V of the Trade and Tariff Act of 1984 (Generalized System of Preferences Renewal Act of 1984), the 1985 reports include additional information on worker rights. While the legislation requires

* Section 116(d)(1) of the Foreign Assistance Act provides as follows:

"The Secretary of State shall transmit to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate, by January 31 of each year, a full and complete report regarding --

"(1) the status of internationally recognized human rights, within the meaning of subsection (a) --

(A) in countries that received assistance under this part, and

(B) in all other foreign countries which are members of the United Nations and which are not otherwise the subject of a human rights report under this Act."

Section 503(B)(b) of the Foreign Assistance Act provides as follows:

"The Secretary of State shall transmit to Congress, as part of the presentation materials for security assistance programs proposed for each fiscal year, a full and complete report, prepared with the assistance of the Assistant Secretary for Human Rights and Humanitarian Affairs, with respect to practices regarding the observance of and respect for internationally recognized human rights in each country proposed as a recipient of security assistance."

Section 505(c) of the Trade Act provides as follows:

"The President shall submit an annual report to the Congress on the status of internationally recognized worker rights within each beneficiary developing country."

reports on worker rights in developing countries that are beneficiaries under the Generalized System of Preferences, in the interest of uniformity, and to provide a ready basis for comparison, we have continued our practice of applying the same reporting standards to all countries on which we prepare reports.

This year there are 164 separate reports. Conditions in most countries are described up to the end of 1985; for a few countries, significant developments occurring during the first weeks of 1986 are also included. The guidelines followed in preparing the reports are explained in detail in Appendix A. In Appendix B is a discussion of worker rights reporting. Appendix C contains a list of 12 international human rights covenants and agreements. Appendix D is an explanation of the statistical tables following reports on countries which received United States bilateral assistance or multilateral development assistance within the last 3 fiscal years.

Definition of Human Rights

Human rights, as defined in Section 116(a) of the Foreign Assistance Act, include freedom from torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges, disappearance due to abduction or clandestine detention, or the flagrant denial of the rights to life, liberty, and the security of person. Internationally recognized worker rights, as defined in Section 502(a) of the Trade Act, include (A) the right of association; (B) the right to organize and bargain collectively; (C) a prohibition on the use of any form of forced or compulsory labor; (D) a minimum age for the employment of children; and (E) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health. (Categories A and B are covered in Section 2b of each report, C in Section 1d, and D and E in the discussion of the economic, social, and cultural situation.)

In addition to discussing the topics specified in the legislation, our reports, as in previous years, cover other internationally recognized human rights and describe the political system and the economic, social, and cultural situation of each country. In other words, these reports deal with the basic standards by which to measure a government's relationship to its people. In applying these standards, we seek to be objective. But the reports unashamedly reflect the American view that the right of self-government is the basic political right, that it is legitimate only when grounded on the consent of the governed, and that government thus grounded should not be used to deny people life, liberty, and the pursuit of happiness. Individuals in a society have the inalienable right to be free from governmental violations of the integrity of the person; to enjoy civil liberties such as freedom of expression, assembly, religion, and movement, without discrimination based on race or sex; and to change their government by peaceful means. The reports also take into account the fact that terrorist and guerrilla groups often violate human rights; such violations are no less reprehensible if committed by violent opponents of the government than if committed by the government itself.

We have found that the concept of economic, social, and cultural rights is often confused, sometimes willfully, by repressive governments claiming that in order to promote these "rights" they may deny their citizens the right to integrity of the person as well as political and civil rights. There exists

a profound connection between human rights and economic development; and these reports devote extensive attention to the economic, cultural, and social situation in each country in order to provide the full context in which human rights performance may be judged. Experience demonstrates that it is individual freedom that sets the stage for economic and social development; it is repression that stifles it. Those who try to justify subordinating political and civil rights on the ground that they are concentrating on their economic aspirations invariably deliver on neither. That is why we consider it imperative to focus urgent attention on violations of basic political and civil rights, a position given renewed emphasis in 1985 by the 1984 Congressional Joint Resolution on Torture. If these basic rights are not secured, experience has shown, the goals of economic development are not reached either.

United States Human Rights Policy

From this premise, that basic human rights may not be abridged or denied, it follows that our human rights policy is concerned with the limitations on the powers of government that are required to protect the integrity and dignity of the individual. Further, it is in our national interest to promote democratic processes in order to help build a world environment more favorable to respect for human rights and hence more conducive to stability and peace. We have developed, therefore, a dual policy, reactive in the sense that we continue to oppose specific human rights violations wherever they occur, but at the same time active in working over the long term to strengthen democracy. It is in this context that I want to pay tribute to my predecessor, Elliott Abrams, Assistant Secretary of State for Human Rights and Humanitarian Affairs from 1981 to 1985, who played a critical role in helping define a consistent and coherent human rights policy that took into account both our country's national interests and the altruistic sentiments of the American people, who want their Government to identify itself with decency, fairness, and justice throughout the world.

Mr. Abrams is also to be credited with helping devise a human rights policy that is both realistic and effective, one that seeks real progress toward our human rights goals by using those means that have the greatest chance of success in a given circumstance. In much of the world, the United States has a variety of means at its disposal to respond to human rights violations. We engage in traditional diplomacy, particularly with friendly governments, where frank diplomatic exchanges are possible and productive. Where we find limited opportunities for the United States to exert significant influence in bilateral relations, we resort to public statements of our concerns, calling attention to countries where respect for human rights is lacking. In a number of instances, we employ a mixture of traditional diplomacy and public affirmation of American interest in the issue.

The United States also employs a variety of means to encourage greater respect for human rights over the long term. Since 1983, the National Endowment for Democracy has been carrying out programs designed to promote democratic practices abroad, involving the two major United States political parties, labor unions, business groups, and many private institutions. Also, through Section 116(e) of the Foreign Assistance Act, funds are disbursed by the Agency for International Development for programs designed to promote civil and political rights abroad. We also seek greater international commitment to the

protection of human rights and respect for democracy through our efforts in the United Nations and other international organizations.

Preparation of these annual Country Reports constitutes an important element of our human rights policy. The process, since it involves continuous and well-publicized attention to human rights, has contributed to the strengthening of an international human rights agenda. Many countries that are strong supporters of human rights are taking steps of their own to engage in human rights reporting and have established offices specifically responsible for international human rights policy. Even among countries without strong human rights records, sensitivity to these reports increasingly takes the form of constructive response, or at least a willingness to engage in a discussion of human rights policy. Experience has thus demonstrated that Congress did indeed act wisely in calling upon the State Department to prepare these Reports.

Richard Schifter
Assistant Secretary of State
for Human Rights and Humanitarian Affairs

AFRICA

ANGOLA*

Since its independence from Portugal in 1975 the People's Republic of Angola has been ruled by the small group who lead its only recognized political party, the Marxist-Leninist Popular Movement for the Liberation of Angola (MPLA). All major policy decisions are made by the party central committee and the political bureau. President Jose Eduardo dos Santos is both Head of State and chief of the MPLA. In December, the MPLA held its Second Party Congress and enlarged the central committee to 90 members.

In 1985, there was further intensification and expansion of the civil war, now in its 10th year, between the Government and the main opposition force, the National Union for the Total Independence of Angola (UNITA), with drastic effects in terms of human suffering. Reportedly more than 2,000 persons on either side were killed in the fighting in 1985. Each side accused the other of killing civilians and committing atrocities. The government forces undertook a major offensive during the dry season (July-September), recapturing the Cazombo salient, but suffering defeat at Mavinga. UNITA continued guerrilla activities throughout the country directed at the political and economic infrastructure.

A number of civilians also died in the hostilities between the Southwest Africa People's Organization (SWAPO--a Namibian resistance movement with bases in Angola) and South Africa, which illegally controls the territory of Namibia on Angola's southern border. During 1985, South Africa conducted repeated cross-border raids into Angola, including an unsuccessful commando attack in May on the U.S. oil facilities in Cabinda and two major interventions in southern Angola during the dry season offensive in September.

The Angolan Government receives extensive military assistance from the Soviet Union, estimated at more than \$2 billion in the past two years, and in the 1985 offensive Soviet advisors played an increased role in planning and directing military operations. An estimated 35,000 Cuban military personnel provide logistical support, training, and advice to government forces and garrison key strategic population and economic centers. They also occasionally take part in combat operations. UNITA, led by Jonas Savimbi, apparently has the allegiance of a substantial portion of the population and now controls approximately one-third of Angola's territory. UNITA has stated publicly that it favors a government of national unity and has not sought to establish an alternate government.

The escalation of the war has severely disrupted the economy and government administration. The low world market prices of oil and diamonds, the two principal sources of Angola's revenue, and the serious disruption in food production and transportation infrastructure caused by the hostilities have exacerbated this serious economic situation. Drought has also been a factor in reducing food supplies. Oil provides the country with 90 percent of its foreign exchange, and oil production and exploration have continued, with new discoveries reported in 1985 off the northwestern coast of Angola. As

*The United States does not maintain diplomatic relations with the People's Republic of Angola and thus has no diplomatic personnel in country to monitor human rights conditions or to evaluate allegations of abuses.

ANGOLA

fighting has escalated, the Government has devoted an even larger portion of its financial resources to the military.

The increased fighting in 1985 also led to a continued deterioration in respect for human rights. Some 200,000-500,000 persons in central, eastern, and southern Angola have been displaced from their homes as a result of civil strife and drought. Both the MPLA and UNITA have made efforts to provide humanitarian assistance to these displaced persons.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

The escalation of the war in Angola has resulted in numerous allegations that government, UNITA, and South African forces have killed civilians and that the MPLA and UNITA have executed political prisoners. While there is little specific substantiation of the various claims and counterclaims, circumstantial evidence indicates that the internal parties have on some occasions arbitrarily executed prisoners.

The fighting has also resulted in hundreds of civilian deaths. Undoubtedly, some of these deaths were inadvertently caused by military operations, but others have been deliberately perpetrated by the opposing forces in order to intimidate civilian populations. Roads are mined in many places, and civilians have died as a result of guerrilla actions, such as attacks on trains. There are no reliable casualty figures. UNITA and the MPLA have both publicly and repeatedly accused each other of practicing terrorism against their respective supporters, including killing or maiming civilians. UNITA has also charged that Cuban forces have been involved in attacks on civilians.

b. Disappearance

There is no information to confirm that abductions, secret arrests, or clandestine detentions are practiced by government security agencies or by UNITA, although both sides have accused each other of such practices.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Persistent allegations have been made of torture and mistreatment in Angolan prisons, but information is insufficient to determine the extent to which torture is practiced by the police, security services, and armed forces.

Angolan prisons are overcrowded, with substandard diet and sanitation, but these conditions seem to reflect the poor state of the economy rather than deliberate maltreatment. Some reports have alleged that foreigners are not well treated, but Americans who have been imprisoned in Angola have been relatively well-treated and have had access to medical care.

Prison authorities reportedly have wide latitude in the treatment of prisoners. Treatment of political prisoners in the prisons controlled by the Ministry of State Security is

ANGOLA

alleged to be harsher than treatment in the regular prisons. Mistreatment reportedly includes solitary confinement, confiscation of personal effects, physical intimidation, including beatings and threats, and prolonged interrogation with the use of force. Prison visits appear to be arbitrarily restricted in many instances. Foreign advisors, including Cubans and East Germans, are involved in assisting Angolan state security services and may be involved in helping to run state security prisons. The Government continues to put captured UNITA supporters on public display. Amnesty International protested the parading of five UNITA soldiers in front of a stadium crowd in Benguela after their trial in April.

Very limited information is available on the situation and administrative structure within UNITA-held areas. It is known, however, that UNITA holds a number of foreign and government prisoners, captured in the course of military operations, in makeshift facilities in its areas of control in Southeastern Angola. There are no reports that UNITA has mistreated its prisoners. During 1985 UNITA cooperated with the International Committee of the Red Cross (ICRC) in releasing foreign prisoners it held. None of the released alleged mistreatment.

d. Arbitrary Arrest, Detention, or Exile

Two of the most persistently and frequently reported charges of human rights violations have been arbitrary arrest and imprisonment without due process. Numerous reports allege that individuals are arrested and imprisoned on suspicion or denunciation by others and, in some cases, held for years without being notified of the charges against them. In its 1985 report, Amnesty International stated that unofficial sources estimated that more than 1,000 political detainees were held in detention centers in Luanda and provincial capitals and in rural detention camps in 1984.

Under Angolan law, persons suspected of committing serious acts against the security of the State may be held by the Ministry of State Security without charge for an initial period of 3 months, renewable for a further period of 3 months. Such detainees need not be presented to a judge within 48 hours of their arrest, as otherwise stipulated in the code of criminal procedure, and apparently have no right to challenge the grounds of their detention by invoking provisions of the habeas corpus code. After 6 months' detention without charge, the detainee must be informed of the accusations against him, with the state security service either informing the public prosecutor of the charges against the suspect or releasing him. Once the case is presented to the public prosecutor, there does not appear to be a specific time limit within which the suspect must be brought to trial. Many political detainees have reportedly been held for years without being tried. The exact number is not known.

The deterioration of the security situation has contributed to demise of judicial safeguards and due process. The Government has established regional military councils throughout much of Angola. They are responsible directly to President Dos Santos and have broad authority to restrict the movement of people and goods, to requisition people and goods without compensation, and to try crimes against the security of the State. The Government has also created "people's vigilance brigades" for urban areas, whose powers are not clear, but include general administration and "protecting the people and ensuring public order and stability."

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In 1984, the Angolan Government was cited by the International Labor Organization (ILO) in Geneva for being in violation of ILO Convention 105, which prohibits forced labor. The basis of this citation is Angolan legislation, still in force, which provides for the imposition of penal sanctions involving compulsory labor for breaches of labor discipline and participation in strikes.

e. Denial of Fair Public Trial

The Constitution states that no citizen shall be arrested and brought to trial except under the terms of the law, and it guarantees the right of the accused to defense counsel. There is, however, insufficient evidence to determine to what extent these rights exist in practice. Amnesty International expressed concern in its 1985 report that trials of government opponents do not conform to internationally recognized trial standards. In particular, defendants reportedly were not given adequate opportunity to present their defense or appeal their cases. The right of appeal exists in some cases, but Amnesty International reports that some political prisoners were apparently executed in 1984 without appeal. Judicial lines of authority are unclear, especially since the new regional military councils have been given responsibility for the trial of offenses against the security of the State, including "economic crimes." It is not known which trials are open to the public and under what rules of procedure the various military and civilian courts operate. The Constitution provides for a People's Supreme Court, but its jurisdiction is not known.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Although the Constitution guarantees the inviolability of the home and privacy of correspondence, arbitrary searches of homes have been reported, and there is some interference with private correspondence, either through censorship or interruption of mail delivery.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Constitution guarantees freedom of expression "in the context of the achievement of the basic objectives of the People's Republic of Angola." Censorship exists, and the Government runs the media. Opposition views are not tolerated. The prominent Angolan writer Fernando Costa de Andrade Ndunduma, who was arrested in late 1982 for a play critical of the President, was never brought to trial and was held uncharged for 2-1/2 years before being released in January. Amnesty International is investigating the case of Bartolomeu Dias Fernandes, accused of "insulting the head of state" and of "fractionalism" and sentenced in April to 6 years in prison.

The Government is especially sensitive to criticism in the foreign press. Since independence in 1975, Angola has restricted the travel of foreign correspondents to Angola and has occasionally expelled foreign reporters, e.g., a reporter from Agence France-Presse was expelled in November. Angola endorsed the Kadoma Declaration in July 1983, banning the travel of South Africa-based correspondents to the "Front Line"

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States, (Angola, Botswana, Mozambique, Tanzania, Zambia, Zimbabwe). The circulation of Western journals and periodicals in Angola is tightly restricted.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly is denied to any political group or movement other than the MPLA. All other political movements have been banned. There are numerous unconfirmed reports of arrests of people who voice support of opposition movements or alternative political systems. The recently established people's vigilance brigades and the martial-law climate throughout the country tend further to restrict freedom of assembly and association.

The only trade union movement in Angola is the National Union of Angolan Workers, which is controlled by the MPLA and is a member of the continent-wide, Ghana-based Organization of African Trade Union Unity. Traditional labor union activities are tightly controlled by the Government. Strikes are prohibited by law as a crime against the security of the State.

c. Freedom of Religion

Although the Constitution guarantees the inviolability of freedom of conscience and belief and provides for separation of church and state, the Government publicly emphasizes the importance of propagating "atheism" and has been critical of religious activities. The overwhelming majority of the Angolan population is Christian, however, and the Government has not moved to close down churches. Church services are regularly held, and there is widespread attendance. Foreign and Angolan missionaries are allowed to carry out their normal activities. Reportedly UNITA respects the freedom of religion in the areas it controls, but the ability of religious personnel to carry out activities in Angola has certainly been circumscribed by the intensification of the civil war.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

As a result of the increased fighting, the Government is acutely security-conscious and has tightly restricted travel, notably through the regional military councils. Travel by road in most areas of Angola is dangerous. There is a pass system within Angola, and foreigners are generally prohibited from traveling outside the principal cities. UNITA has publicly warned that it considers all of Angola to be a war zone and that it cannot guarantee the safety of persons traveling there.

Angolan citizens are allowed to travel abroad, but this travel is carefully controlled by restrictions on issuance of passports and exit visas and by currency restrictions. Emigration is restricted. The Government limits travel to Angola through a selective and stringent visa policy. Angola is a signatory to the U.N. Protocol Relating to the Status of Refugees. There are currently approximately 70,000 Namibian, 20,000 Zairian, and 6,000 South African refugees in Angola. Since mid-1980, between 120,000 and 150,000 former Zairian refugees in Angola returned home under the auspices of the U.N. High Commissioner for Refugees.

Approximately 200,000 Angolans have taken refuge in Zaire since 1975, and an estimated 73,000 have taken refuge in Zambia. Of

ANGOLA

the estimate total of 400,000 Angolans who have left the country since independence, the Government claims that 180,000 have returned, but this claim cannot be verified.

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

Citizens do not have the right to change their government. Angola is ruled by a small group of officials within the party apparatus of the ruling Marxist-Leninist MPLA. The Constitution provides for popular participation in the political process, but the MPLA is the only legal party, and activities by all opposition groups have been banned.

In effect, political activity is limited to participation in the party or in one of its controlled and sanctioned organizations such as its youth wing, the Angolan Women's Organization, or the trade union movement. Political power is centered in the elite membership of the politburo and the somewhat larger central committee. Party membership is very restricted, with under 30,000 members out of a population of 7 million, according to the official media. The Constitution provides that the popularly elected national People's Assembly, established in 1981, is to be the supreme organ of state power. There are also people's assemblies at the provincial and local level. Only candidates chosen and endorsed by the party are elected to the people's assemblies, and key members of the party also hold leadership positions in the people's assemblies. The people's assemblies endorse measures proposed by the party at the national and local levels.

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

The Government has allowed the International Committee of the Red Cross (ICRC) and United Nations International Children's Emergency Fund (UNICEF) to operate in areas it controls, and UNITA allows the ICRC to operate in areas it controls or is contesting. Amnesty International stated in its 1985 Report that it is concerned about the imprisonment of people for criticizing government policies or officials, long-term detention without trial, unfair political trials, and mistreatment of prisoners. Amnesty International has also appealed for commutation of death sentences imposed by the People's Revolutionary Tribunal and military courts and the need to respect the right of appeal, especially in capital cases. Amnesty International was also concerned over apparently arbitrary detention by UNITA forces of civilians not involved in the conflict. Freedom House rated Angola "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Angola's population of 7.9 million is growing at the rate of 3 percent a year. Gross national product per capita in 1983 was approximately \$888, but this reflects the oil revenues from the Cabinda field and has little meaning to the bulk of the population in the midst of civil war. Many rural inhabitants have abandoned the countryside to seek food and safety in urban areas, such as Luanda, which have been overwhelmed by the influx. As a result of the rural exodus, crops are not being planted. There are severe food shortages in urban areas, and public services are severely taxed. In these circumstances,

ANGOLA

Angola in 1985 continued efforts to obtain food assistance from Western countries and various international organizations.

The MPLA has established as its goal the transformation of Angola into a "socialist" economy, and the major sectors of the economy--oil, diamonds, and banking--have been nationalized. However, the Government has encouraged substantial Western investment, notably in oil production, in order to develop its economic and industrial infrastructure. The right to private property is guaranteed by the Constitution, and a small portion of the economy, mainly in the agricultural sector, still operates under private ownership.

The intensification of the fighting has devastated the country's infrastructure and has forced the Government to divert most of its assets to the military. Payments to the Soviet bloc for military equipment and for the Cuban combat troops have become a recognized burden on the economy. Although thousands of civilian Cuban and East European advisors are working in technical and professional positions, Angola still faces a critical shortage of skilled manpower. Of the approximately 500,000 Portuguese residents prior to independence, only 30,000 remain.

With a high infant mortality rate of 143 per 1,000 live births, life expectancy at birth is only 43 years. Adequate health care is available to only a small fraction of the total population. The current literacy rate is estimated at about 30 percent, and there is high level--90 percent--enrollment in primary schools in noncombat areas. In 1982, there were more female children in primary school (92 percent) than male (85 percent).

There is no information available on working conditions in Angola.

Women participate in the MPLA, not only in the Angolan Women's Organization, but also in the higher levels of the party. Women were given more positions in the top leadership by the Second Party Congress.

Both the MPLA and UNITA have primarily ethnic bases of support--the MPLA among the Kimbundu, and UNITA among the Ovimbundu. While they have worked with mixed success to broaden popular support, both groups show political favoritism towards their own ethnic group. There are no formal ethnic or racial restrictions on participation in the political process, and whites and mesticos occupy a number of high-level positions within the MPLA.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: ANGOLA

	1983	1984	1985
I.ECON. ASSIST.-TOTAL...	1.1	2.7	4.2
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.1	2.7	4.2
A.AID	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	1.1	2.7	4.2
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.1	2.7	4.2
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN \$-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	1.1	2.7	4.2
E.RELIEF.EC.DEV & WFP.	1.1	2.7	2.2
VOL.RELIEF AGENCY.....	0.0	0.0	2.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	1.1	2.7	4.2
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.1	2.7	4.2
OTHER US LOANS.....	45.0	84.8	0.0
EX-IM BANK LOANS.....	45.0	84.8	0.0
ALL OTHER.....	0.0	0.0	0.0
ASSISTANCE FROM INTERNATIONAL AGENCIES			
	1983	1984	1985
TOTAL.....	16.0	33.1	1.0
IBRD.....	0.0	0.0	0.0
IFC.....	0.0	0.0	0.0
IDA.....	0.0	0.0	0.0
IDB.....	0.0	0.0	0.0
ADB.....	0.0	0.0	0.0
AFDB.....	14.8	31.7	1.0
UNDP.....	1.2	1.4	0.0
OTHER-UN.....	0.0	0.0	0.0
EEC.....	0.0	0.0	0.0
	1946-85		
TOTAL.....			74.9
IBRD.....			0.0
IFC.....			0.0
IDA.....			0.0
IDB.....			0.0
ADB.....			0.0
AFDB.....			47.5
UNDP.....			18.3
OTHER-UN.....			9.1
EEC.....			0.0

BENIN

Following independence from France in 1960, Benin experienced considerable political instability and numerous changes in government until 1972, when the army staged a decisive coup that brought the present Government, headed by President Mathieu Kerekou, to power. In 1974, the new leadership declared the establishment of a Marxist-Leninist Government under the direction of a single political party, the People's Revolutionary Party of Benin. Despite the imitation of certain political structures, Benin's Marxism thus far bears little resemblance to that of the U.S.S.R. The party itself is directed by a small leadership group in which the influence of the military remains important. It controls the selection of candidates for the National Assembly and local government bodies.

Early efforts at radical political and social transformation in the mid-1970's encountered widespread resistance and resulted in significant erosions of political and personal liberties. An unsuccessful coup attempt in 1977 was followed by a period of intense suspiciousness toward foreigners and domestic critics. In recent years, however, the authorities have exhibited greater tolerance of divergent social and political views. In August 1984, the Government amnestied all political detainees with the exception of those implicated in the 1977 coup attempt.

Benin is one of the world's poorest countries; its underdeveloped economy is largely supported by subsistence agriculture (80 percent of the population lives in rural areas), a small commercial sector and recently oil production, located offshore near Cotonou. Economic activity has been hampered by the Government's efforts to institute centralized controls. In 1985, mounting balance-of-payments problems and rising debt service costs led the Government to enter into negotiations with the International Monetary Fund to reduce the number of state enterprises and to encourage foreign private investment.

The human rights situation did not improve in 1985. The Government viewed developments in early 1985, in particular activism by students at the National University, as threatening to political stability and public order. It responded with a series of extraordinary security measures, including closing the National University and expelling of 18 students for subversive activities. According to some reports, clashes between demonstrators and police in May resulted in the deaths of two youths and one security officer. The student unrest reflected in part dissatisfaction with government austerity measures intended to address the country's worsening economic and financial difficulties. Suspicion that outside elements may have been behind the strike also led the Government to reissue regulations governing access by Beninese citizens to foreign diplomatic missions. The implementation of these and other security measures occasioned numerous allegations of human rights violations.

BENIN

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There were no reports of political killings.

b. Disappearance

There were no reports of disappearance or secret arrests.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There have been several reports alleging that students and others arrested in the wake of the student demonstrations in April and May were subjected to cruel or unusual punishment. Information from several sources suggests strongly that one student died as a result of injuries suffered during interrogation by security personnel. It does not appear, however, that these or other reported excesses were ordered by the political authorities. Prison conditions in Benin are very poor; sanitation facilities are inadequate; there is overcrowding; and the prison food supply is inadequate unless supplemented by friends or relatives. Physical punishment reportedly occurs. There is no evidence of discrimination against prisoners on the basis of sex, religion, or national origin.

d. Arbitrary Arrest, Detention, or Exile

Benin's legal system provides for the review of detentions by a court of law in all but a few sensitive political cases. The Constitution states that no citizen may be arrested without an order of arrest by an established judicial body. In practice, however, persons have been detained, some for extended periods, without recourse to legal assistance or judicial hearing. Most of these arrests have occurred during periods of political tension. Periods of incarceration are at the discretion of the authorities. Although arrests are not publicized, no special attempt is made to keep them secret.

A large number of arrests were made in the wake of the 1985 student strike as a result of the Government's tightened security measures. Most of these were for minor infractions, such as the inability to produce required identity papers. A number of persons were arrested for failing to heed a newly revived order requiring all Beninese to obtain prior government authorization before seeking entry to foreign diplomatic missions. In most cases, people arrested under these measures were detained only briefly. In contrast, an estimated 30 to 40 persons, suspected of complicity in the student strike, including some teachers and university professors as well as students, were detained for periods of up to 3 months, apparently without specified charges having been brought against them. Reportedly, most of these detainees have since been released, except for three self-proclaimed leaders of the student strike, but this has not been confirmed.

There were several other reports in 1985 alleging the denial of prompt trials, including two publicized cases of top

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officials of state enterprises for possible corruption. Both had been released by the end of 1985. In such cases, the courts are normally denied a role pending dispositions taken by the political leadership. There were reports in December 1985 that the Government had also detained a number of persons allegedly associated with a radical leftist group.

There were no reports in 1985 alleging the use of forced labor, which is prohibited under Beninese law.

e. Denial of Fair Public Trial

Benin's judicial system is allowed to function independently in all but sensitive political cases. In such instances, detainees may or may not be permitted legal counsel or granted a public hearing. There is no time limit with respect to charging a defendant or on bringing the accused to trial. In recent years, the Government has used only the established civilian "revolutionary court" system. Courts are organized on provincial and national levels, and there are future plans for the courts at the district level once sufficient judges have been trained. The highest court of appeal is the Central People's Court.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Although Benin's Constitution provides for safeguarding the inviolability of the home and calls for warrants to be obtained from a judge before the police can enter a residence, there have been occasional unconfirmed reports of forced entries in sensitive political cases. Other reports indicate that security police monitor telephones and the mail of suspected persons. There are no other known types of interference with the home or family.

Section 2 Respect for Civil Rights Including:

a. Freedom of Speech and Press

With two exceptions, the local press, radio, and television are all government-owned and operated. The exceptions are a weekly paper published by the Catholic church and Echo, a monthly journal of opinion circulated throughout West Africa. While both treat political issues, they do so with circumspection. The official media carry only those stories that are approved by, or serve the interests of, the party-state. Opposition to government policies and open criticism of the Government are not tolerated. Academic freedom on nonpolitical issues, however, is permitted, and there normally is no censorship of foreign books and artistic works. One exception in 1985 involved an attempt to prohibit distribution of a European journal which carried a report critical of the Government's detention of a former Beninese bank official. Foreign radio broadcasts are readily available to much of the population through shortwave radio. No attempt is made to interfere with radio reception.

b. Freedom of Peaceful Assembly and Association

All meetings of a political nature must be sponsored by the single political party. Although organized public opposition to the Government itself is not permitted, there are numerous examples of groups which have organized to protest specific

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government policies or actions. In recent years, the Government has welcomed the formation of a wide variety of private social, service, and professional organizations (including Lions and Rotary), many of which maintain active international affiliations. There is no known persecution of professional groups.

Labor unions are organs of the party and unified under a general labor organization, the Union Nationale des Syndicats des Travailleurs du Benin (UNSTB). Although controlled by the Government, individual local unions negotiate with individual employers on labor matters and represent workers' grievances to employers and to the Government. The Government often plays the role of arbiter.

Although the right to strike is not explicitly denied, it is clear that labor strikes are not sanctioned. The Constitution of 1977 states that "union activities are guaranteed to workers" but "must be used for the elevation of the conscience of the proletarian class and for the augmentation and continued development of production." When labor actions occasionally occur in Benin (usually by students rather than workers), they take the form of brief work stoppages to protest such things as late salary or scholarship payments.

c. Freedom of Religion

Christianity, Islam, and traditional religions all coexist in Benin, and adherence to a particular faith does not confer any special status or benefit. With the exception of one group, Celestial Christianity, which has been declared illegal by the Government, there are no restrictions on religious ceremonies or teachings, and religious conversion is freely permitted.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Domestic movement is not restricted. International movement is controlled in that a passport and exit permission must be obtained for travel to other than West African countries but obtaining them is not difficult. Economic rather than governmental constraints usually preclude travel outside the region. There are no restrictions placed on residence within Benin, except for recently released prisoners who may be subject to travel restrictions.

Emigration is a way of life in Benin. Many Beninese move to neighboring countries to earn their livelihood, and their citizenship is not revoked. Beninese who live abroad are encouraged to return home to help develop their country, but only a small number have returned. In 1985, there were many more refugees in Benin than usual. Almost 100,000 Ghanaians from Nigeria transited Benin and were given limited assistance by the Beninese Government. About 200 Chadian refugees, who came to Benin during the past several years, are now more or less permanently settled, although they are still free to return to Chad according to Beninese law.

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

Leadership is exercised by President Kerekou and a small group of senior officials, many of whom also hold positions in government. The electoral process allows for citizen

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participation in the nomination of candidates for the National Revolutionary Assembly, in theory the principal decisionmaking body of the Government. Party membership is not a requisite for participation in this process or for high office or civil service employment. The final selection of candidates for the single national slate, however, is made by the party leadership. No opposition parties or slates are permitted. The Assembly itself rarely takes issue with policies formulated by the political leadership.

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

The Government considers any outside attempt to investigate human rights practices an interference in its internal affairs. Amnesty International's 1985 report (covering 1984) cited the imprisonment of prisoners of conscience and other political prisoners detained without trial, unfair trial practices, and ill-treatment of prisoners as its major concerns. All of the prisoners whose cases were taken up by Amnesty International were released on August 1, 1984 in a presidential amnesty. The Government occasionally denounces alleged human rights abuses in other areas of the world, e.g., Grenada. Freedom House rates Benin "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Benin's 4,015,000 population is growing at the rate of 3.1 percent annually. Over 80 percent of the population is engaged in subsistence agriculture. The estimated annual per capita income was only \$290 in 1983. Although in 1979 an estimated 65 percent of the population was below the absolute poverty level, these statistics are unreliable since much of the country's income derives from informal trade with neighboring countries which is not reported and is not reflected in official government figures.

Benin has made a major effort to address health and education problems. There is free or nominally priced medical care in Benin, and a system of old-age benefits has been established. Clinics have been set up throughout the country, many with assistance from foreign governments. In 1985, life expectancy at birth was estimated at 49 years, and the infant mortality rate was 143 per 1,000 live births. Twenty percent of the total population had access to safe water in 1980, with 26 percent in urban areas and 16 percent in rural areas. A 1977 estimate showed calorie supply as a percentage of requirements at 92 percent.

An active literacy program is in operation in Benin. In 1980, it was estimated that 28 percent of the adult population were literate, 40 percent of all males and 17 percent of all females. In 1982, primary school enrollment was estimated at 68 percent of the primary school-aged population: 95 percent of all boys and 43 percent of all girls.

The Government has given vigorous support to policies designed to improve the conditions of average workers in both the industrial and agricultural sectors. It has, for example, committed itself to the gradual extension of free or low-cost medical care and social services; legislated minimum wage levels and occupational safety conditions; and established procedures and mechanisms for the protection of worker rights.

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including legislation prohibiting child labor. The Beninese labor code implicitly defines a "minimum age" by authorizing participation in the social security system beginning at age 14, and the civil service administration will not hire persons under 18. In many instances, however, the Government's ability to enforce these policies and regulations is limited by a lack of administrative and financial resources and by the need for the entire family to farm subsistence plots of land.

Historically, Beninese women have played a major role in the commercial sector. While there are no women in ministerial positions, a number of women figure prominently in executive-level positions in the presidency and the various ministries. There are only two women on the central committee of the party.

U.S. OVERSEAS - LOANS AND GRANTS - OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S. FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: BENIN (DAHOMEY)

	1983	1984	1985	

I. ECON. ASSIST.-TOTAL...	1.6	3.0	1.9	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	1.6	3.0	1.9	
A. AID	0.0	0.0	0.4	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.4	
(SEC. SUPP. ASSIST.)...	0.0	0.0	0.0	
B. FOOD FOR PEACE.....	0.5	1.9	1.5	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.5	1.9	1.5	
TITLE I-TOTAL.....	0.0	0.0	0.0	
REPAY. IN \$-LOANS.....	0.0	0.0	0.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	0.5	1.9	1.5	
E. RELIEF, EC. DEV & WFP.	0.1	0.5	0.7	
VOL. RELIEF AGENCY.....	0.4	1.4	0.8	
C. OTHER ECON. ASSIST...	1.1	1.1	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	1.1	1.1	0.0	
PEACE CORPS.....	1.1	1.1	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II. MIL. ASSIST.-TOTAL...	0.0	0.0	0.1	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.1	
A. MAP GRANTS.....	0.0	0.0	0.0	
B. CREDIT FINANCING....	0.0	0.0	0.0	
C. INTL MIL. EO. TRNG....	0.0	0.0	0.1	
D. TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E. OTHER GRANTS.....	0.0	0.0	0.0	
III. TOTAL ECON. & MIL...	1.6	3.0	2.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	1.6	3.0	2.0	

OTHER US LOANS.....	0.0	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	0.0	0.0	

ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	1946-85

TOTAL.....	20.5	41.8	28.0	419.5
IBRD	0.0	0.0	0.0	0.0
IFC	0.0	0.0	0.0	0.0
IDA	20.0	35.4	5.0	213.6
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	9.5	83.9
UNDP	0.5	3.2	0.0	28.3
OTHER-UN	0.0	3.2	0.0	9.4
EEC	0.0	0.0	13.5	84.3

BOTSWANA

Botswana is a multiparty democracy with free elections, an independent judiciary, a police force, and a small, well-disciplined army subservient to civilian authority. Under the Constitution, executive power is vested in the President, chosen in a national election for a 5 year term, most recently in 1984. The President, currently Quett K.J. Masire, selects the Cabinet from the National Assembly. One party continues to dominate the country's politics; the Botswana Democratic Party (BDP) has held a majority in the National Assembly since independence in 1966 and now controls 28 of 34 elective seats.

Botswana encourages private enterprise and free trade. All citizens, including those whites who accepted Botswana citizenship, are free to participate in the economic and political life of the country. More than 83 percent of the population lives in rural areas and is dependent on some form of agricultural activity.

Botswana's human rights record generally remains excellent. Citizens receive equal protection under the law; domestic political violence is unknown; public debate, including in the press, is lively; and several women hold positions of importance in the public and private sector. For more than a decade, Botswana has been a haven for refugees from the political and military strife of neighboring countries. South African actions, including the South African Defence Force raid on Gaborone in June 1985 and two bombings which the Government of Botswana attributed to South Africa, have neither destabilized Botswana's Government nor encouraged restrictive measures.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

The Government of Botswana has never been accused of involvement in political killings. There is no guerrilla or insurgency activity.

b. Disappearance

The Botswana Constitution provides for the protection of personal liberty. There have been no allegations of secret arrests or clandestine detentions.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There have been no reports of improper treatment by the police of criminals or criminal suspects during 1985. Prison conditions allow for adequate diet, health care, and visits from family members. Jails are sometimes crowded, however, and inmates with no relatives to see to their needs may encounter difficulty in arranging for assistance. Flogging is permitted for infractions of prison rules and is a mandatory punishment for rape, attempted rape, armed robbery, burglary, housebreaking, and related offenses. No summary executions have occurred.

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d. Arbitrary Arrest, Detention, or Exile

The Botswana Constitution contains a provision protecting citizens from arbitrary arrest. Preventive detention is illegal. There is a functioning system of bail, and defendants have access to lawyers of their own choosing. As required by law, the police bring a suspect before a magistrate for charging within 48 hours of his arrest. Suspects must be released after 48 hours unless the magistrate issues a warrant of detention which is valid for 14 days. Every 14 days, the police must appear before the magistrate and show that they are making progress in the case. To date, there have been no known instances of abuse of this system. Forced labor is illegal in Botswana.

e. Denial of Fair Public Trial

The right to a fair public trial is provided by law and is honored in practice. Defendants are entitled to counsel; consultation between defendants and counsel may be held in private. The judiciary is independent of the executive and military. The High Court has ruled that one may not be compelled to testify against oneself. Moreover, silence cannot be construed as proof of guilt, and the burden of proof remains on the prosecution. All trials are held in public. Provisions exist for conducting closed trials on matters relating to national security or if a minor is charged with a crime; the High Court provides oversight of these cases.

In September, a judge warned that he might impose gag rules on a participant in the court's proceedings because of the sensational newspaper coverage given to a trial in which the defendant alleged that high government officials were guilty of improprieties. The High Court has made no comment on this warning. No citizen of Botswana has been exiled since the country's independence.

There is also a system of traditional tribal courts, presided over by chiefs, where jurisdiction is limited to minor offenses.

There are no political prisoners in Botswana.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Rights of privacy are safeguarded by law and respected in practice. A search warrant issued by a magistrate is required for an official to enter a private residence, except in cases of suspected diamond theft or drug trafficking. However, there have been no reported instances in which this exception was used during 1985.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Freedoms of speech and of the press are guaranteed by the Constitution and are respected in practice. The government-owned newspaper (in English and Setswana) continues to print statements from all opposition parties. Three independent newspapers are published on a weekly or semi-weekly basis, all of which publish articles representing a wider range of views than the government-owned daily. Recent coverage of the

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Government's decision to force two persons--one a businessman, the other a journalist--to leave Botswana sparked a heated debate, especially in the National Assembly, on the role of the press. Government spokesmen have confined comment to stating that national security interests were involved in these expulsions and that press interests must be subordinated to national security interests. This latter statement led to a further round of press editorials critical of the minister's statement.

Botswana has signed the Kadoma Declaration which bans entry of journalists from South Africa, though it has not enforced the ban. In its first application of some of the principles of the Kadoma Declaration, Botswana sought to restrict the activities of four South African journalists by requiring them to obtain visas prior to entering Botswana (not generally required of South Africans). Government sources were quoted as saying that these actions had been taken in response to the irresponsible reporting of the Gaborone raid by these journalists.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly is a well-established tradition in Botswana, exemplified by the Kgotla, a communal gathering similar to a New England town meeting in which citizens freely question leaders and voice opinions on local politics. Kgotla meetings are used regularly by political candidates and Members of Parliament, including ministers, to explain their programs to the people. Large gatherings require local police approval, which is routinely given. Demonstrations are permitted so long as order is maintained. Organizers are required to submit a detailed plan for any demonstration and are personally responsible for ensuring that the plan is followed.

Unions have the legal right to strike but only after exhausting established dispute settlement procedures, which require that the Government be invited to attempt to arbitrate. The last strike occurred in 1976. Unions have chafed under government regulations which prohibit the contribution of union funds from sources outside Botswana and require that all union leaders be full-time working members of the trade covered by their union, thus preventing employment of full-time salaried union organizers. Unions are important in the country's largest industries, mainly mining and extraction industries, but have not yet taken hold in other sectors of the economy. Independent of government control or political party affiliation, unions in Botswana actively represent their members. Unions associate freely with international organizations, and leaders attend international conferences. The Botswana Federation of Trade Unions (BFTU) is affiliated with the democratically oriented International Confederation of Free Trade Unions in Brussels and is also a member of the Organization of African Trade Union Unity and the Southern African Trade Unions Congress.

c. Freedom of Religion

The open practice of religion is permitted and encouraged in Botswana. There is no state religion. While most residents are Christians, active groups of Muslims, Hindus, Baha'is, and others practice their faiths freely. Religious affiliation is neither an advantage nor a disadvantage in the political and social contexts. Religious conversion is permitted in

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Botswana, and missionaries are allowed to enter the country and proselytize. Foreign clergy are also permitted to enter Botswana to serve expatriate congregations.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Botswana citizens are not restricted with respect to emigration, repatriation, or domestic or foreign travel. Passports are easily obtained. Refugees documented by the United Nations High Commissioner for Refugees (UNHCR), mostly Zimbabweans, are generally required to live in the refugee settlement at Dukwe in northern Botswana. While conditions are relatively good, the U.N. Security Council has called for increased levels of international assistance to Botswana to improve the Dukwe refugee camp. Refugees may be authorized to live elsewhere for reasons such as employment or schooling. As with other foreigners in Botswana, refugees are not permitted to accept jobs which could be filled by citizens. There are allegations from some refugee-producing countries that refugees are using Botswana as a sanctuary from which to pursue activities directed against their governments. Hence, the Government of Botswana has declared that Dukwe residents found outside the camp without permission will be considered to have abandoned refugee status and will be repatriated; as will any refugee who engages in criminal activity or invites outside intervention through political activities inside of Botswana. A U.N. Security Council mission found that, as a result of the June South African raid on Gaborone, the relationship between refugees and citizens of Botswana has become strained since citizens of Botswana fear similar future attacks.

A 1982 citizenship law, which permits the Government to withdraw citizenship from a person found to have committed disloyal acts or to have shown evidence of disaffection, was enforced for the first time in September 1985. A refugee from South Africa who had been granted Botswana citizenship was stripped of his citizenship and returned to South Africa against his will. No reason was given for the deportation and the UNHCR was not consulted to discuss possible resettlement in another country.

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

Botswana is ruled by a Government genuinely elected by its people. In the 1984 national election (the fifth since Botswana became independent), an estimated 70 percent of the eligible voters registered, and 86 percent of the registered voters actually voted. The election was unmarred by violence, and no incidents of serious fraud were reported. However, one election for a parliamentary seat was disputed and was consequently rerun; the previously defeated opposition candidate triumphed and took his seat in the National Assembly. There are five parties in Botswana, three of which are represented in the country's National Assembly. Opposition parties now control three city councils, including that of Gaborone, Jwaneng, and Francistown. There are two female members of Parliament; one, the Minister of External Affairs; the other, an executive secretary of the majority party. The one white member of Parliament is also a cabinet minister, and the speaker of the National Assembly is also white.

Ethnic differences do exist in Botswana, though they play only a marginal role in the country's politics. Only the 50,000

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Basarwa ("Bushmen") remain generally unrepresented in government. Pastoralists who have little contact with the population centers of Botswana, the Basarwa remain relatively unaffected by government educational and economic assistance programs and consequently have participated only marginally in the country's political life.

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

Botswana cooperates with international agencies concerned with human rights. Relations with the Office of the UNHCR, the only international human rights organization active in Botswana, are friendly and open. There are no Botswana-based organizations set up to observe, report, or contest human rights violations. The Government has consistently responded promptly and forthrightly to the inquiries it has received about the human rights situation in Botswana. A sparsely populated country surrounded by larger and more powerful neighbors, Botswana usually refrains from public comment on alleged human rights violations in neighboring countries but joins other governments in condemning apartheid in South Africa. Amnesty International, in its 1985 Report, was concerned about the use of the death penalty. Freedom House rated Botswana as "free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Botswana's population in 1985 reached 1,068,000 and is growing at 3.3 percent annually. Most Botswana are involved in agriculture and animal husbandry, but exploitation of the country's mineral resources, e.g., diamonds, has helped bring about significant economic development and has raised dramatically, but not evenly, per capita gross national product from \$69 to \$920 in 17 years.

Rural incomes are much lower than urban incomes, which has led to increased rural migration to the cities during the past decade. The urban population increased from 8 percent in 1971 to 17 percent in 1981 and, according to government statistics, has reached roughly 25 percent in 1985. Severe drought has accelerated this trend. Despite general improvement in the economy during the past decade, poverty still affects a large proportion of the population. Based on 1979 data, the most recent year available, 55 percent of the rural population and 40 percent of the urban population have incomes below the poverty level.

In 1985 life expectancy at birth was 63.5 years; and infant mortality was 63 per 1,000 live births. The percentage of urban population with access to potable water increased from 71 percent in 1968 to 100 percent in 1985; in rural areas, the figure remains about 39 percent due to the difficulties of supplying drinking water to Botswana's scattered rural population. According to the World Bank, the average Botswana in 1982 received 92 percent of the daily nutritional requirements. Because of the severity of the drought, the country has been increasingly heavily dependent on imported foodstuffs. Four consecutive years of severe drought depressed the agricultural sector of the economy, although in 1985 rainfall was sufficient to permit planting to begin again in many parts of the country.

Botswana has made steady progress in providing educational opportunities. The adjusted primary school enrollment ratio

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increased from 56 in 1968 to 105 in 1981. There is a difference in enrollment rates between boys and girls because of the tradition of requiring boys to herd cattle. In 1981, the enrollment ratio for girls in primary school was 113, while that for boys was 97. The adult literacy rate was estimated at approximately 40 percent in 1971 and is undoubtedly higher in 1985.

In the area of worker rights, Botswana law prevents the employment of children 12 years and younger by anyone except members of the child's immediate family. No juvenile under the age of 15 can be employed in industry, and only those over 16 can be employed in night work. No juveniles 16 or younger are permitted to work in hazardous jobs, including mining. Women are not permitted to work at night (except on an emergency basis in agricultural work) and are not permitted to work as miners. The country's law also provides for minimum working standards, including job safety, maximum working hours, and wages. For some jobs during certain seasons, Botswana law permits working weeks longer than 48 hours (in agricultural jobs during the harvest season, for example).

Women hold approximately 24 percent of the paid jobs in Botswana. An estimated 41 percent of central government employees are women, many of them in high-level positions. While there is little overt sexual discrimination, social custom elevates the rights and privileges of men above those of women despite their importance in the economy. Some 40 percent of rural households are headed by women. Access to capital, labor, draft animals, seeds for farming is significantly more difficult for women than for men. Women who intend to marry may choose civil marriage, in which all property is held in common, or customary marriage, which recognizes the division of individual property brought to a marriage. Most women are not aware, however, of the implications of these alternatives. The Government has assisted in the publication of a women's rights handbook and has established preferences for women who seek government-sponsored development loans.

The Government of Botswana promises equal treatment of all its citizens in the distribution of social services. However, since most of the Basarwa occupy the harsh and remote areas of the Kalahari desert where population density is very low, there are few clinics and schools available to them. The Government has built some facilities at the edge of the desert which serve as a magnet for Basarwa families. This in turn creates new problems as these occupants of the desert, traditionally hunter-gatherers, not accustomed to a money economy, are pushed towards wage labor and cattle herding where they tend to be absorbed into Tswana society.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: BOTSWANA

	1983	1984	1985	
I.ECON. ASSIST.-TOTAL...	13.3	20.3	21.8	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	13.3	20.3	21.8	
A.AID	10.0	10.8	10.1	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	10.0	10.8	10.1	
(SEC.SUPP.ASSIST.)...	10.0	0.8	10.1	
B.FOOD FOR PEACE.....	1.8	8.0	11.7	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	1.8	8.0	11.7	
TITLE I-TOTAL.....	0.0	0.0	0.0	
REPAY. IN \$-LOANS.....	0.0	0.0	0.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	1.8	8.0	11.7	
E.RELIEF.EC.DEV & WFP.	1.8	8.0	11.7	
VOL.RELIEF.AGENCY.....	0.0	0.0	0.0	
C.OTHER ECON. ASSIST...	1.5	1.5	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	1.5	1.5	0.0	
PEACE CORPS.....	1.5	1.5	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II.MIL. ASSIST.-TOTAL...	5.2	7.2	9.3	
LOANS.....	5.0	7.0	5.0	
GRANTS.....	0.2	2.2	4.3	
A.MAP GRANTS.....	0.0	2.0	4.0	
B.CREDIT FINANCING....	5.0	7.0	5.0	
C.INTL MIL.ED.TRNG....	0.2	0.2	0.3	
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E.OTHER GRANTS.....	0.0	0.0	0.0	
III.TOTAL ECON. & MIL...	18.5	29.5	31.1	
LOANS.....	5.0	7.0	5.0	
GRANTS.....	13.5	22.5	26.1	
OTHER US LOANS.....	0.0	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	0.0	0.0	
ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	1946-85
TOTAL.....	48.7	50.1	51.7	364.5
IBRD	32.5	45.3	10.7	232.2
IFC	0.5	0.0	0.0	0.8
IDA	0.0	0.0	0.0	14.8
IOB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	41.0	72.3
UNDP	0.2	0.8	0.0	16.1
OTHER-UN	0.5	0.0	0.0	2.3
EEC	15.0	4.0	0.0	25.5

BURKINA FASO

Burkina Faso is one of the poorest countries in the world and a victim of frequent drought and political instability. In August 1983, Captain Thomas Sankara took power in the country's third military coup since 1980. Sankara is the President of Burkina Faso and of the National Council of the Revolution which appoints the Council of Ministers, Burkina's main forum for ongoing political decisions. In 1984, to emphasize its revolutionary break with the past, the Government changed the country's name from Upper Volta to Burkina Faso.

Political parties have been permitted since 1980, and there are no indications that the country will return to constitutional rule. Instead, the Government is using a growing network of Committees for the Defense of the Revolution (CDR), organized at national, regional, and local levels to mobilize the population and promote its revolutionary goals. The national leadership of these committees is appointed by the Government, and it conducts elections to select local committee leaders.

Burkina Faso is overwhelmingly tied to subsistence agriculture with 90 percent of the population living in rural areas. The economy is highly vulnerable to fluctuations in rainfall. Drought, lack of communications and other infrastructure, a low literacy rate, and a stagnant economy are all long-standing problems.

There was little net change in the human rights situation in Burkina Faso in 1985 from 1984. There have been arbitrary arrests and brief detentions without trial or charges of labor leaders, potential political opponents, and others suspected of being hostile to the regime. The Government continued to conduct trials of former government and political leaders, almost exclusively on fraud and corruption charges, outside the traditional judicial system in Peoples Revolutionary Courts where defendants had no recourse to legal counsel. After explosions of two munitions dumps in May and June (allegedly sabotage), there were allegations of torture and there was one admitted death among those detained. The Government continued to dismiss or retire civil servants, military and police accused of lack of enthusiasm for the revolution and for reasons ranging from misconduct to laziness. Freedom of speech, assembly, and publication was effectively prevented by fear of loss of jobs by government workers, the largest work force in the country, and by the absence of an independent press. At the same time, government initiatives, such as the anticorruption drive being pursued through the People's Revolutionary Courts, responded to long-standing abuses and enjoyed popular support. The Government was increasingly sensitive to criticisms of human rights abuses in Burkina Faso by international human rights organizations.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

Following explosions at munitions dumps near Ouagadougou and Bobo-Dioulasso in June 1985, the Government detained a number

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of persons, at least one of whom subsequently died in a hospital immediately after the attack. The Government stated that the person had died from exhaustion and other health problems, but the death probably resulted from mistreatment by security agents. The Government has stated that there will be no executions of these detainees without public trial.

Amnesty International, however, estimated that as many as 10 persons (2 of whom later emerged alive) suspected of sabotage had been killed by government agencies, many by torture. Another Western Embassy claimed to have corroborative evidence indicating that several of the detainees were delivered to the hospital with indications of torture. In general, the Government appears in overall control of army, police, and security forces.

b. Disappearance

There were no reports of disappearances during 1985.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There were reports of torture being inflicted on prisoners following the munitions dump explosions of June 1985. Amnesty International claimed that at least 100 persons had been arrested, at least 1 and as many as 10 tortured to death, and others subjected to electric shock, sexual abuse, and burning with blow torches. On August 6, the Government denied reports of torture and presented eight detainees to the press; all seemed in good health. Two of these persons were among the 10 which Amnesty had listed as possibly tortured to death.

These reports marked a departure from previous years when there had been no reports of torture or of cruel, inhuman, or degrading punishment. The material poverty of the country contributes to poor prison conditions.

d. Arbitrary Arrest, Detention, or Exile

Reports of arbitrary arrest followed by detention for as much as four or five days without charges have continued. Several prominent intellectuals, military officers, and former government officials remain in self-imposed exile. Habeas corpus does not exist in Burkina Faso. Laws permitting preventive detention for a maximum of 72 hours, renewable one time in criminal cases, are followed in practice, but with a number of violations for both Burkinabe and foreign nationals. At least three leading trade union officials remained in custody throughout 1985, and other labor officials were detained for varying periods of time.

On August 4, Burkina Faso's national day, President Sankara amnestied 54 prisoners, many of them common criminals, and reduced sentences of 41 others, several of them former senior officials, including a former president and a former president of the National Assembly. Former president Jean-Baptiste Ouedraogo, whose regime Sankara toppled, was released but remains under surveillance.

Forced or compulsory labor is prohibited by the labor code.

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e. Denial of Fair Public Trial

During 1985, the People's Revolutionary Courts, created in late 1983 with jurisdiction over state security and political crimes, heard cases primarily involving public corruption. The Court president is a magistrate appointed by the Government to head the tribunal which is composed of magistrates, military personnel, and members of the Committees for the Defense of the Revolution. The court president follows the practice of asking questions directly of the defendant. There is no role for a public prosecutor, and the accused has no right to consult counsel during the session. Witnesses can be called by the Court or they can present themselves to give testimony.

President Sankara has said these People's Courts should be viewed as a permanent part of the country's judicial system. During 1985, the Government began organizing a series of similar tribunals starting with conciliatory bodies at the village level and higher bodies at department and province levels to hear minor cases. The Government's oft-stated aim is to ensure that European-imposed judicial procedures do not deny fair access to justice for an overwhelmingly illiterate, impoverished population. Meanwhile, the traditionally independent judiciary has continued to function for criminal and civil cases. The supreme court, abolished in March 1984, has been replaced by two high appeals courts for public and private criminal and civil cases, in accordance with French judicial practice. The defendant traditionally receives a fair trial and is represented by counsel.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Government authorities are not known to interfere in the privacy, family, home, or correspondence of ordinary citizens. Homes may be searched under a warrant issued by the attorney general, a procedure generally followed in practice. There is no regular monitoring of private correspondence or telephones. However, a special law permits surveillance, search, detention, and monitoring of telephones and correspondence without warrant in national security cases. This law has been used against individuals suspected of participation in coup plots.

The Government encourages participation in the Committees for the Defense of the Revolution (CDR). There is little pressure on private citizens to join these committees or discrimination against those who choose not to participate. However, vigorous participation in CDR activities helps in obtaining civil service appointments and promotions. The Government considers opposition to activities of the CDRs to be political opposition, which can lead in serious cases to such measures as discharge from the civil service.

International radio broadcasts are not jammed. A government practice having great impact on family life is arbitrary dismissal of government personnel, military, civil servants, police, teachers, for primarily political reasons. These individuals must search in the underdeveloped private sector for further gainful employment or remain dependent on their families. The number of such dismissals in 1985 was significantly lower than in 1984.

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Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

While there is no formal government mechanism for censorship, the high pitch of revolutionary rhetoric, with its frequent references to enemies of the state at home and abroad, inhibited both government-employed journalists and ordinary citizens from taking advantage of their theoretical right to express critical views. The same inhibition, further stimulated by the frequency of sudden dismissals from government service and by reports of arbitrary arrests, continued to dampen a lively tradition of debate on political topics. In October 1985, the Government announced that those dismissed from government service could apply for reinstatement, provided they maintain an acceptable political attitude.

The media in Burkina are now entirely government-owned, consisting of a daily newspaper, a weekly magazine, and a government-operated radio/television station. There has not been a single case of criticism of the Government in the media, which are charged with carrying official news to the people while defending the revolution. The Government maintains that the daily Sidwaya is free to print criticism and independent judgments. A mid-1985 reorganization of all government media placed the Minister of Information and Culture in direct control of the media, giving the Government a direct means to shape or control media output as desired. Foreign newspapers and magazines continue to enter the country freely. Foreign journalists and local representatives to foreign press organizations travel and file stories without censorship or hindrance and enjoy easy access to government officials up to and including the President. There are no formal limitations on academic freedom. University professors and administrators, however, have been criticized for "elitism" and dismissed for alleged counterrevolutionary tendencies. University students are now subject to political education. The major student organization is dominated by a left-wing group, aligned with Albania, which regards the present regime as insufficiently revolutionary. In the arts, movies are subject to censorship by a review board which includes religious authorities as well as government officials.

b. Freedom of Peaceful Assembly and Association

Political parties are banned, and administrative permission is generally required for assemblies of any kind. During 1985, there was little effort by opposition groups to organize meetings.

Organized labor, which continues to be an important feature of the political scene, has been under increasing government pressure and has jurisdictional conflicts with Committees for the Defense of the Revolution. Four labor federations and a number of autonomous unions exist. They range in orientation from two moderate federations, traditionally unrestricted in their adversarial relationship with the Government, to a much more radical federation of civil service local unions. To counter the latter, a new union of government employees was formed in 1985. One federation is affiliated with the Government, a second with the Christian-oriented World Confederation of Labor, a third with the democratic International Confederation of Free Trade Unions, and a fourth with the World Federation of Trade Unions.

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The right to strike was formally restored in early 1983, but in its only test thus far, the Government charged that the independent primary school teachers union strike of March 1984 was illegally organized and politically motivated, and broke it by firing the strikers, nearly half the union's 6000 members. An amnesty was extended to the fired teachers in August 1985, but the two teachers' union leaders still remain in detention. In January 1985, the Government imprisoned Marxist trade union leader Soumane Toure after he denounced government austerity measures and accused the Government of corruption. He remains in detention and has reportedly been ill. On January 28, 11 union leaders, primarily from the left-wing unions, signed a petition criticizing the Government. The Sankara Government immediately suspended them from their government jobs, and an unknown number were detained for a time. Despite the Government's tightening stance, there were no indications that existing labor organizations would be brought under government control or replaced by a state labor federation. President Sankara has stated he wishes to maintain a dialogue with all Burkinabe trade unions. In February, the President indicated willingness to work with moderate union leaders, and in May apparently reached an understanding with the more radical unions. In any event, attacks by gangs on six union central offices during a confused melee on May 1 have not been repeated. Unions have continued to exercise their rights to hold conferences, train workers, and attend international congresses.

c. Freedom of Religion

Burkina Faso is a secular state, and there is no discrimination on religious grounds. Islam and Christianity exist side by side, with about 25 percent of the population Muslim and 10 percent Christian. Both Muslim and Christian holidays are recognized as national holidays. Social mobility and access to modern sector jobs are neither linked to, nor restricted by, religious affiliations.

The leader of the Jesuits in Burkina Faso, a Frenchman, was detained for four days in March, apparently for delivering a sermon which the Government found offensive. He was not formally charged.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Government lifted a strictly enforced curfew in August 1985. However, travelers within Burkina Faso are often stopped at police, Army, and internal customs checkpoints. Moreover, armed CDR units maintain numerous checkpoints between 1 am and 5 am. Foreign travel for business and tourism is not restricted. Exit permits, once required to limit movement of workers to the neighboring countries--particularly to the Ivory Coast, where one million or more Burkinabe continue to reside and work--are no longer required. Refugees are accepted freely in Burkina Faso and attempts are made to provide for their care in cooperation with the United Nations High Commission for Refugees.

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

President Thomas Sankara rules in the name of the National Council of the Revolution, the composition of which has never

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been disclosed. There is neither a legislative body nor any recognized political opposition group. In consultation with the National Council of the Revolution, Sankara appoints his cabinet, which currently consists of 21 posts, 4 held by military personnel and the rest by civilians, including 3 women. Cabinet ministers include individuals known to be affiliated with several apparently antagonistic groups, such as the Union of Communist Struggle and the Patriotic League for Development. The Government has not given any hint of plans for elections or a return to constitutional government. The Government is using Committees for the Defense of the Revolution to consolidate power and to allow for a limited measure of public participation. These committees are charged with various tasks, including the oversight of administrative affairs at the local level. In practice, the Government exercises tight control over the committees.

Minority ethnic groups are as likely to be represented in the inner circles of the Government as are the dominant Mossi, who comprise 50 percent of the population. Government decisions do not favor one ethnic group over another. One announced reason for the increase in administrative regions from 11 to 30 since the August 1983 coup was to improve access of minority groups to local administrative authorities.

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

A government-supported organization lobbies against apartheid and other racial oppression. The Government was clearly upset by foreign criticism of its detentions following the June 1985 munitions dump explosion. The Government has made no attempt to restrict or hinder the activities of international human rights organizations. In its 1985 Report (covering 1984), Amnesty International expressed concern over the imprisonment of three prisoners of conscience for trade union activities and the reported detention without trial of suspected opponents of the Government. Freedom House rated Burkina Faso as "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Burkina Faso's population is 6.9 million and is growing at the rate of 2.7 percent annually. Gross national product per capita per annum was only \$180 in 1983. Living standards are generally higher in the few urban centers than in the countryside. Population pressure is somewhat ameliorated by large-scale annual migrations to neighboring countries for seasonal agricultural work.

The infant mortality rate is 176 deaths per 1,000 live births. Life expectancy at birth is 45 years. The primary causes of death are malaria, gastrointestinal infections, and parasitic diseases. Approximately 25 percent of the population has access to safe water, with a disproportionate number of those people being in urban areas. The literacy rate is estimated at 9 percent, with only 24 percent of primary school age children enrolled, 30 percent of the males and 16 percent of the females.

The labor code sets the minimum age for employment at 14, the age of most students upon completion of basic secondary school. However, the Government lacks the means to enforce

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adequately this provision, owing to a very low per capita income, large number of small family enterprises, and the traditional apprenticeship system. A minimum monthly wage of about \$50 and a maximum work week of 48 hours are stipulated by the labor code, as are safety and health provisions within the capabilities of the country's relatively small nonagricultural sector. A system of government inspections and labor courts ensures that these provisions are applied in the industrial and commercial sectors, but they have been impossible to enforce in the dominant subsistence agriculture sector.

The role of women in Burkina Faso is still limited by the cultural orientation of a rural society. The current Government has emphasized its strong commitment to expanding opportunities for women, including educational opportunities. The Ministry of Family Progress, for example, works to promote greater participation by women in the nation's economic, social, and political life. In addition to the three women ministers in the current cabinet, women have been appointed high commissioners in several provinces and magistrates in the judicial system.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: BURKINA

	1983	1984	1985	
I.ECON. ASSIST.-TOTAL...	8.9	17.6	25.2	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	8.8	17.6	25.2	
A.AID	0.3	0.0	7.6	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.3	0.0	7.6	
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0	
B.FOOD FOR PEACE.....	7.1	16.1	17.6	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	7.1	16.1	17.6	
TITLE I-TOTAL.....	0.0	0.0	0.0	
REPAY. IN \$-LOANS....	0.0	0.0	0.0	
PAY. IN FOR. CURR....	0.0	0.0	0.0	
TITLE II-TOTAL.....	7.1	16.1	17.6	
E.RELIEF.EC.DEV & WFP..	2.3	6.6	4.4	
VOL.RELIEF.AGENCY....	4.8	9.5	13.2	
C.OTHER ECON. ASSIST...	1.4	1.5	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	1.4	1.5	0.0	
PEACE CORPS.....	1.4	1.5	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II.MIL. ASSIST.-TOTAL...	0.1	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.1	0.0	0.0	
A.MAP GRANTS.....	0.0	0.0	0.0	
B.CREDIT FINANCING....	0.0	0.0	0.0	
C.INTL MIL.ED.TRNG....	0.1	0.0	0.0	
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E.OTHER GRANTS.....	0.0	0.0	0.0	
III.TOTAL ECON. & MIL...	8.9	17.6	25.2	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	8.9	17.6	25.2	
OTHER US LOANS.....	0.0	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	0.0	0.0	
ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	
			1946-85	
TOTAL.....	36.8	49.1	63.3	590.4
IBRD.....	0.0	0.0	0.0	0.0
IFC.....	0.0	0.0	0.0	0.5
IDA.....	13.5	7.4	61.9	315.4
IDB.....	0.0	0.0	0.0	0.0
ADB.....	0.0	0.0	0.0	0.0
AFOB.....	0.0	41.4	1.4	95.2
UNDP.....	14.4	0.3	0.0	51.8
OTHER-UN.....	3.9	0.0	0.0	16.1
EEC.....	0.0	0.0	0.0	111.4

BURUNDI

The Republic of Burundi is a one-party state led by President Jean-Baptiste Bagaza, an army colonel who came to power in 1976 through a bloodless coup. The role of the military in the Government is still influential but has steadily declined in day-to-day governance as Bagaza has appointed civilians to most key government positions. The National Party for Unity and Progress (UPRONA) is the most important political institution in Burundi. As head of the party and the Government, President Bagaza has a dominant policy role. He also has certain decree powers and appoints and dismisses judges. The dominance of the minority Tutsi over the majority Hutu ethnic group is the central political and social reality of Burundi which continues today through Tutsi control of emerging political institutions and the military. However, Bagaza has appointed Hutus to all levels of government, including 5 to his 19-member cabinet, and there are about 19 Hutu representatives in the 65-member National Assembly. While far from representative of the Burundi population as a whole (85 percent Hutu, 14 percent Tutsi, and 1 percent other), this Hutu presence reflects substantial improvement in representation in the Government over past years.

The armed forces maintain law and order. In addition, there is a regular police force responsible for civil and criminal offenses and a separate force of security police responsible primarily for internal state security, including monitoring dissent. The state security police have the same powers of arrest as the regular police and are subject to the same process of judicial review of detentions.

Burundi is a very poor country with one of the highest population densities in Africa. Most Burundi earn their livelihood as subsistence farmers working small, privately owned plots. The small monetary economy is based on coffee, which accounts for 85 percent of foreign exchange. Recent gains made in food production and agriculture have been largely offset by the high population growth rate.

In the area of human rights during 1985, the Burundi Government and the Roman Catholic Church had a series of confrontations concerning appropriate hours for religious activities and the role of the Church in society. Twenty Christian clerics were imprisoned, more than 140 foreign missionaries were forced to leave Burundi because their residence permits were not renewed, and many missionaries who requested permission to come to Burundi were denied visas. Moreover, Burundi clergy were not permitted to travel to Kenya to meet with Pope John Paul II. In addition, the Government closed down all Seventh-Day Adventist churches and schools because of the refusal of Adventists to perform community work on Saturday.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There are no allegations of killings for political motives or of summary executions.

b. Disappearance

No instances of disappearance have been reported.

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c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is forbidden by law. Cruel treatment of suspects or detainees has occurred in the form of beatings at the time of arrest or interrogation. Such treatment is rare and occurs only in cases of violent crimes or resisting arrest. The Government admits that isolated instances of abuse of prisoners by prison guards or officials do occur but insists that those responsible for such abuses are punished.

Prison conditions apparently are severe due to overcrowding and lack of adequate hygiene, medical care, and food. Prisoners are segregated according to the nature of their crimes, are allowed regular family visits, and participate in rehabilitative work programs, including agricultural production. Families are encouraged, and expected, to provide supplemental food and other personal items to their relatives in prison. Due to inadequate budgets, food rations are very limited, and there have been several reports of deaths in prison from starvation. The Government admits that there is a serious problem in the prisons and it is trying to improve conditions, with the help of the the International Committee of the Red Cross (ICRC).

d. Arbitrary Arrest, Detention, or Exile.

Police officers are empowered to detain suspects but must submit a written report to the Public Prosecutor's office within 24 hours. The Public Prosecutor examines the report and can either order the detainee's release or issue an arrest warrant valid for 5 days. The Public Prosecutor must state the charges before a magistrate in the presence of the detainee. The Magistrate then either releases the detainee or issues orders confirming the detention, initially for 15 days and then subsequently for 30-day periods as necessary to prepare the case for trial. Bail is set only in cases of embezzlement or similar crimes involving financial wrongdoing.

The prescribed procedures for arrest and imprisonment are not always followed. The elapsed time between an arrest and the notification of the Public Prosecutor often extends to several days, and detainees do not always appear before a magistrate within the allotted 5 days from arrest. However, a judicial review of the arrest almost always takes place. Relatives or consular representatives are made aware of arrests or detentions, generally at the time of incarceration. The general practice is to permit detainees to go to their homes prior to being brought to the place of detention. During 1985, at least six people, were detained for expression of views critical of, or hostile to, the Government and were charged with violations of civil law. They are still awaiting trial.

The Government does not exile its nationals. Citizens of other countries suspected of criminal activity or lacking proper residency documents are expelled; in 1985, for example, 64 Zairians were expelled.

Forced or compulsory labor is not permitted under current law, but most citizens are expected to perform community service on Saturdays.

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e. Denial of Fair Public Trial

The judiciary's independence is limited by the requirement to adhere to the guidance and recommendations of the party, the Government, and the President. Judges are appointed and may also be dismissed at the pleasure of the President. Nevertheless, there is a high degree of autonomy in the court's daily administration of justice, and due process is largely observed. Though court decisions cannot be overturned by the executive branch, the President has the power to pardon or reduce sentences.

Burundi has separate court systems to deal with military, civil/criminal, and state security cases. Military tribunals have jurisdiction only over military personnel. The State Security Court has jurisdiction over both civilian and military personnel, and its proceedings need not be made public. To date, this Court has not been used. Burundi law provides the right to counsel, and indigents are provided counsel by the State. Pretrial proceedings may involve lengthy investigations. The public prosecutor's office generally dismisses cases where the evidence in support of the charges is weak and only proceeds to trial when it believes guilt has been established.

During the past 5 years, the Government has taken steps to improve the judicial system, and the 1984 Party Congress recommended additional judicial reforms. New courts have been created, the number of magistrates has tripled, and training seminars and conferences have been held. Simultaneously, however, prison populations have doubled or tripled, and the courts are hampered by a lack of trained legal personnel and by heavy case loads.

There are no verified cases of purely political prisoners, although one or two such cases have been alleged. Defamation of a public figure is a civil offense, and several persons are serving short sentences (under 12 months) after convictions for this offense. There are also approximately 10 detainees being held for criticizing government restrictions on religious activities and for reportedly advocating disobedience.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The right to privacy of correspondence and the inviolability of the home are guaranteed in the Constitution and respected in practice. A judicial warrant is required for a law enforcement official to enter and search a private residences.

Membership in the political party and its affiliated organizations is open to all but is not required. The State Security Office monitors political dissent through the state security police and by employing paid informers who report on discontent and dissension as well as on criminal activity.

Section 2 Respect for Civil Rights, Including

a. Freedom of Speech and Press

The Government controls all domestic print and broadcast media. The French language daily and Kirundi language weekly are published by the Ministry of Information, which also

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operates the domestic radio and television stations. The media are required to support the fundamental policies of the party and Government. Some criticism of government mismanagement and policies is permitted in the printed press. Journalists are state employees and consequently would be subject to disciplinary action if their criticism went beyond what is considered tolerable. The Government rarely interferes with the distribution of foreign news publications and never interferes with radio reception from foreign sources.

Freedom of speech is limited by statute. Criticism of the party and government policies or leadership is permitted only within party meetings. Academic freedom is also limited. At the primary and secondary school level, teachers are expected to support government policies. At the university, professors come from several different countries and are permitted to lecture freely in their subject areas, conduct research, and draw independent conclusions. Censorship occurs only in the case of sexually explicit foreign film material or publications.

b. Freedom of Peaceful Assembly and Association

The express authorization of the Government is required for all political meetings. This effectively guarantees government control of all public forums and limits association for political purposes to participation in the party or its affiliated youth, labor, or women's movements.

The party controls the trade union confederation, the National Labor Union or UTB. The principal role of the UTB, to which virtually the entire salaried work force belongs, is to serve as an intermediary between workers and employers in labor matters. The UTB brings complaints against employers on behalf of its members and often forces employers to revise their practices. However, unauthorized advocacy of a strike or lockout is a criminal offense. Therefore, though they are technically permissible, there have been no strikes in recent years. The UTB participates in the International Labor Organization (ILO) and is a member of the Organization of African Trade Union Unity.

The Government permits nonpolitical private associations but requires that they be registered and accorded legal recognition before they may function.

c. Freedom of Religion

Religious freedom exists within defined limits, as the Government considers religious organizations subject to the same sorts of rules and restrictions which apply to secular organizations. All religious associations must receive approval from the Government to operate. The authorities must be informed in advances of religious gatherings, which are strictly limited to recognized places of worship, and religious services are authorized only after 5 p.m. Mondays through Fridays, after midday on Saturday, and all day on Sundays. The Jehovah's Witnesses sect was banned by the Government in January because its doctrine challenges certain precepts of civil authority. Consequently, members of the sect cannot openly carry out activities within the faith or aimed at conversion. There are no reports of persons imprisoned for merely adhering to the sect.

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The Seventh-Day Adventists' refusal to perform work of any kind on Saturday, their Sabbath, led to the closing of Adventist churches and loss of their legal status in early 1985. Adventist churches and schools were closed, and a number of students were imprisoned for a weekend. Eight pastors and teachers were detained for approximately 4 months without being charged. Adventist properties remain vacant except for one school which is now being operated by the Government.

In 1985, the Government made it clear to other Christian churches that they must confine their activities to religious and social works and stay out of political matters, which include Hutu/Tutsi relations. Twelve Burundi Catholic priests were arrested for violating restrictions on hours of worship services; all of them were released within weeks. In a related development, two priests and nine laypersons were charged in connection with a tract which criticized the Government's recent restrictions on hours of worship. The author of the tract was sentenced to 5 years in prison, and a 70-year-old priest, a former university rector and prominent religious leader, was sentenced to 4 years for "insulting the Chief of State." Three laymen were sentenced to 2 years imprisonment for distributing the tract, and three others were given nominal sentences for assisting the tract's author in his attempts to flee the country. The two others accused were acquitted for lack of evidence. Some religious symbols not on church buildings have been removed by local authorities. Since early in 1985, the Government has pursued a policy of reducing the number of missionaries, and thereby missionary influence, in Burundi by refusing applications for residence permit extensions. More than 140 missionaries were forced to depart Burundi in this way, and, though the rate of refusal slackened periodically, it is clear that the Government maintained its intention to reduce the missionary presence.

Church access to the media is curtailed by the longstanding suspension of a Catholic newspaper and of religious broadcasts. A few other missionaries were expelled for writing articles or making statements which the Government considered critical. There are, however, no barriers to the training of clergy or to maintenance of links with religious hierarchies in other countries. Religious beliefs do not exclude individuals from political participation or from social benefits.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

Movement is generally free within Burundi, although government policies discourage urban migration. Foreign travel and emigration are relatively free. However, the Government requires exit visas as well as passports. Occasionally, the Government withholds these documents without explanation but for apparently political motives. Forty-three Catholic clerics who wanted to attend an ecclesiastical meeting in Kenya during Pope John Paul II's August visit were barred from traveling. Foreigners have also been forced to remain in Burundi for short periods without explanation.

Burundi's Government cooperates closely with the United Nations High Commission for Refugees. Burundi claims to shelter 256,000 refugees, but most might be more accurately described as displaced persons. The United Nations estimates

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that there are approximately 60,000 refugees, primarily Tutsis of Rwandan origin who fled to Burundi in the 1960's. Many are well integrated in Burundi, although they may acquire citizenship only through marriage to a Burundi. Refugees who fled from Burundi in the early 1970's and before continue to return and have full rights as citizens. Amnesty International has been concerned about the situation of refugees and asylum seekers from Zaire. Several were allegedly forcibly repatriated in 1983, and 64 other Zairians without proper papers were expelled in February 1985.

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

Burundi citizens do not have the right to change their government. Political participation can take place only within the one-party structure, and voters can express dissatisfaction only by voting against incumbents. The president of the party is the sole candidate for President of the Republic. Power rests with the President and with the party's central committee. The party is open to all Burundians supporting its principles and claims a membership of about 1.4 million, about three-quarters of the adult population. The party regularly holds local and regional meetings, during which time they discuss issues and make recommendations. While there are multiple candidates for party positions, balloting is not secret.

Although the military retains influential presence in all the party organs and in the Government, its role in actual administration has declined markedly since 1979. Only 3 military officers are currently cabinet members, and military officers hold 12 of the 69 central committee seats. The Constitution provides for a National Assembly, which was seated in 1982 with a 5-year mandate, comprising 65 representatives, 52 elected by secret ballot under universal adult suffrage and the remainder are appointed. All candidates were drawn from a list preselected by provincial electoral colleges composed of party and government officials. Two candidates for each elective seat were permitted. The balloting was evidently free, as several high party and government officials failed to win seats. The Assembly is not intended to be a separate and independent power but is expected to cooperate with and complement the executive and other institutions. Over the last 3 years, the National Assembly has actively debated government policy with occasional pointed criticism.

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

Burundi is a party to several United Nations instruments on human rights, and its Constitution provides for the protection of such rights. There were no reports during 1985 of requests for outside investigations of alleged human rights violations. The last visit of the ICRC took place in late 1983. The Government complied with the ICRC's standard conditions for visits to prisoners or detainees. In its 1985 report (covering 1984), Amnesty International was concerned inter alia by the restrictions imposed on religious activities and the detentions imposed on members of religious groups. Freedom House terms Burundi "not free."

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ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Burundi is among the poorest countries of the world, with a 1983 per capita gross national product of \$240. In 1978, 55 percent of the urban population was below the absolute poverty level, and the figure has changed little since then. Population density is among Africa's highest, with a population of 4.7 million (1984) inhabiting a land area of only 27,834 square kilometers. The population growth rate for 1985 is estimated at 2.8 percent. Nearly 90 percent of Burundians earn their livelihood from agriculture. The traditional feudal land tenure system has been abolished, and most farmers own the land they cultivate.

Burundi's relatively small monetary economy is based on the export of coffee, which accounts for 85 percent of foreign exchange earnings. Energy costs, high transportation costs, and fluctuations in world coffee prices have harmed the market economy. Real economic growth over the past 5 years has been outpaced by population growth.

Health care is inadequate as Burundi suffers from a shortage of personnel, facilities, and budgetary resources. Life expectancy at birth is only 47 years, and the rate of infant mortality is 115 per 1,000 live births. Although most urban dwellers have access to potable water supplies, the percentage of the rural population with access to safe year-round water is very low. Educational opportunities, despite considerable government efforts supported by donor assistance, remain below the needs of the population. Only 27 percent of adults are literate according to 1980 figures (39 percent male, 15 percent female). World Bank statistics for 1980 show primary school enrollment of 31 percent of the primary school age population (39 percent for males, 24 percent for females). Only a small fraction of those completing primary school is able to obtain places in the nation's secondary schools. An even smaller percentage of students wins places in the nation's sole university.

Worker rights are guaranteed by the Burundi Labor Code and by the National Collective Interprofessional Labor Convention. Working hours vary between 40 and 45 hours per week; Saturday afternoons, Sundays, and holidays are times of rest. Children under the age of 12 may not be employed in any capacity, nor may children under the age of 16 be engaged in dangerous or strenuous work. Minimum health and safety standards are monitored and enforced by the Ministry of Labor. Burundi has a minimum wage and has been trying to reduce the high levels of unemployment and underemployment.

Women in society hold a secondary position, although their status is undergoing considerable change from traditional patterns. The Constitution provides for legal equality. Significant improvement in the legal status of women came with the issuances of a new legal code on families which prohibits polygamy and the dowry, and allows women some control of family matters. Women still cannot inherit land and cannot work if forbidden to work by their husbands. Although fewer women than men attain an education, once it is attained women can generally find suitable employment. The Government does not discriminate against women in hiring or in respect to the jobs which are open to them. Women are represented at all levels in the political life of the country. However, their

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main vehicle of political expression is the Burundi women's movement which is affiliated with the party. The party remains dominated by males.

The minority Tutsi have for centuries dominated the majority Hutu. Civil strife in 1972, which culminated in government-sanctioned massacres, led to nearly 200,000 Hutus fleeing to neighboring Rwanda and Tanzania. Since the advent of the Bagaza Government in 1976, the degree of ethnic tension has been markedly reduced. Thousands of Hutu refugees have returned to Burundi. Inter-marriage has also contributed to a blurring of ethnic distinctions. The low level of economic development in rural areas affects both Tutsi and Hutu, making differences in economic status between the two groups scarcely discernible in the countryside. However, because of their longstanding dominance of the Government and access to education, the Tutsi predominate in the modern sector. The military remains under Tutsi control. Nevertheless, there is no evidence that Hutus are denied equal protection of the law.

U.S. OVERSEAS - LOANS AND GRANTS - OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S. FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: BURUNDI

	1983	1984	1985
I. ECON. ASSIST.-TOTAL...	7.5	7.7	6.2
LOANS.....	0.0	0.0	0.0
GRANTS.....	7.5	7.7	6.2
A. AID.....	5.5	3.7	4.3
LOANS.....	0.0	0.0	0.0
GRANTS.....	5.5	3.7	4.3
(SEC. SUPP. ASSIST.)...	0.0	0.0	0.0
B. FOOD FOR PEACE.....	1.7	3.4	1.9
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.7	3.4	1.9
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN \$-LOANS.....	0.0	0.0	0.0
PAY. IN FDR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	1.7	3.4	1.9
E. RELIEF, EC. DEV & WFP.	0.4	1.6	0.2
VOL. RELIEF AGENCY.....	1.3	1.8	1.7
C. OTHER ECON. ASSIST....	0.3	0.6	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.3	0.6	0.0
PEACE CORPS.....	0.3	0.6	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II. MIL. ASSIST.-TOTAL...	0.0	0.1	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.1	0.1
A. MAP GRANTS.....	0.0	0.0	0.0
B. CREDIT FINANCING.....	0.0	0.0	0.0
C. INTL MIL. ED. TRNG....	0.0	0.1	0.1
D. TRAN-EXCESS STOCK....	0.0	0.0	0.0
E. OTHER GRANTS.....	0.0	0.0	0.0
III. TOTAL ECON. & MIL...	7.5	7.8	6.3
LOANS.....	0.0	0.0	0.0
GRANTS.....	7.5	7.8	6.3
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1983	1984	1985	1946-85
TOTAL.....	18.0	20.4	62.1	445.6
IBRD.....	0.0	0.0	0.0	4.8
IFC.....	0.0	0.0	0.0	5.6
IDA.....	15.8	5.1	30.4	210.0
IDB.....	0.0	0.0	0.0	0.0
ADB.....	0.0	0.0	0.0	0.0
AFDB.....	0.0	13.0	31.7	108.2
UNDP.....	2.2	2.3	0.0	47.4
OTHER-UN.....	0.0	0.0	0.0	9.3
EEC.....	0.0	0.0	0.0	60.3

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Political power in Cameroon is heavily concentrated in the presidency. President Biya ran unopposed in 1984 in what is essentially a one-party system. The President appoints all important government and party officials and makes all major decisions, although key parliamentarians in the National Assembly have some behind-the-scenes influence. Cameroon had an active multiparty system at the time of its independence. Under former President Ahidjo, all parties were gradually consolidated into the Cameroon National Union, renamed in 1985 under President Biya, the Cameroon People's Democratic Movement. Although Cameroon's 1972 Constitution provides for a democratic, multiparty system, in actuality the sole political party selects candidates for public office, who run unopposed.

During the 22 years of President Ahidjo's rule, Cameroon's diversity and the armed violence in some parts of the country were used to justify authoritarian control and harsh restrictions on civil liberties. The Ahidjo legacy still shapes President Biya's policies, despite the steps he has taken to liberalize the political system. Internal security responsibilities are shared by the National Police (Surete National), the National Intelligence service (Centre de Documentation Nationale-CND), the Ministry of Territorial Administration, Military Intelligence, and, to a lesser extent, the Presidential Security Service. The Ministry of Territorial Administration is in charge of prisons, and during the past year the National Police have assumed the dominant role in enforcing internal security laws. The CND and the military are still involved in both of those functions but to a lessening degree.

Cameroon's economy continues to thrive, and its per capita income ranks Cameroon among the middle income developing countries, though it remains plagued by many problems of underdevelopment. Growth, propelled by oil revenues, continues at a steady pace.

During 1985, the human rights environment in Cameroon reflected mixed trends. There is some increase in freedom of expression, a major change from the previous regime. At the same time there is also continued, though diminished, harassment of some groups, including the press, and in some cases imprisonment of political dissidents and student activists. A leader of the outlawed Union des Populations du Cameroun (UPC) and a radical anglophone dissident were detained for extended periods without trial. By most estimates, there are some 10 to 20 political prisoners in custody, not counting roughly 200 people who received prison terms because of participation in the 1984 coup attempt.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There were no confirmed reports of political killing during 1985.

b. Disappearance

There were no reports of the disappearance during 1985.

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c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is proscribed in the criminal code, which renders evidence obtained by torture inadmissible. In addition, the penal code prohibits public servants from using force against any person. However, there were credible reports during 1985 of ill treatment, such as beatings, during police interrogation and during imprisonment. Very poor prison conditions, including overcrowding, inadequate food and sanitation, and medical attention are major problems, and Amnesty International's 1985 Annual Report said that some Cameroonian prisoners had died of malnutrition during 1984. Because government-provided food is very inadequate, prisoners have reportedly suffered from severe malnutrition unless provided food by friends or families. The Government recognizes these problems and has launched a major prison construction and renovation program, including some \$2 million in additional funding for prison meals. Persons under "administrative detention" (i.e., political prisoners) are kept in special camps or prisons. Access to the administrative detention centers by families and friends is reported to be severely restricted.

d. Arbitrary Arrest, Detention, or Exile

Under Cameroonian law, a person arrested on suspicion of committing an offense may not be held for more than 48 hours without a court order. This provision is generally observed in nonpolitical cases. However, after an investigating magistrate has determined that the case should be brought to trial and has issued a warrant to that effect, there is no limitation on how long the detainee may be held in "preventive detention" pending trial. Accused persons awaiting trial constitute the great majority of persons in the prisons at Yaounde and Douala. Release on bail is infrequent.

Citizens continue to be stopped by local police who sometimes harass or threaten to detain them unless a bribe is paid, but for the most part those detained are released within 24 hours. These actions are not initiated or condoned by high government officials and have been sharply criticized by the President.

Persons may be held in administrative detention under legislation pertaining to subversion. Such detention by regional authorities is initially for 1 month, renewable twice, and may be extended up to an additional 6 months by the Minister of Territorial Administration. Generally, those arrested and placed in administrative detention do not disappear--their families are told where they are and they are eventually released, although the detention may be lengthy. Political prisoners, some 10-20 of whom are currently estimated to be in custody, are usually held under this type of detention. Under the state of emergency, which exists in portions of three provinces, authorities may also order detention for up to 1 week for persons judged "dangerous to public security." The Minister of Territorial Administration may also order detention of such persons for up to 2 months; the order is renewable without limitation. The state of emergency provisions were used rarely, if at all, during 1985.

The Government announced during the Pope's August visit to Cameroon that an amnesty would be forthcoming for "certain prisoners." Although officials indicated that political

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prisoners would be among them, a late September announcement of the release of 20 prisoners and the commutation of the death sentences of 13 others included no political prisoners.

Two well-known political figures were detained during 1985. The first, Fon Gorji Dinka, a radical anglophone spokesman, was imprisoned after calling upon the armed forces in an open letter to depose President Biya. Dinka was arrested on June 1 and was still in custody at the end of the year. He has apparently not been mistreated while in prison, although anglophones have complained that he received inadequate medical attention both before and after the deterioration of his health in late September. The second well-known detainee was Dr. Joseph Sende, self-proclaimed leader of the outlawed UPC faction in Cameroon. Sende was held without trial from February 7 through May 22, after he had tried unsuccessfully to gain legal recognition of the UPC and then issued a UPC "position statement" denouncing the single-party system in Cameroon as being antidemocratic. Sende was kept in a cell by himself but was apparently not tortured and was allowed visits by family members.

The Government keeps a close watch on student activism. On October 1 security forces briefly detained some 100 high school students, who had participated in a protest in Bamenda, and reportedly held some of their leaders for several weeks.

There is also an unknown number of current and former UPC members in self-imposed exile. Some of those individuals have accepted the Government's offer to return to Cameroon "as individual citizens, not as political figures." Another outlawed dissident party, the Cameroon Democratic Party (CDP), has members in self-imposed exile since the party lost its bid to be legalized in early 1984.

There are no reports of forced labor being practiced in Cameroon.

e. Denial of Fair Public Trial

Trial by a presiding magistrate is guaranteed by law, and this practice is followed with the exception of persons held under administrative detention. Public trials are also guaranteed by law, although exceptions for the public good or national security reasons are allowed. Trials which involve prominent persons or which are controversial are sometimes held in private. Magistrates in Cameroon are drawn from a corps of career civil servants and are required to have law degrees. Their decisions are generally not subject to government interference, and they are generally considered to conduct fair trials. Defendants in felony cases are provided attorneys if they cannot afford to engage their own.

Crimes involving subversion or illegal use of weapons, as well as crimes involving the military, are tried by military tribunal. Each tribunal has three members, and its presiding officer must be a magistrate. In some cases, the magistrate is a civilian, but often it is a military officer. As in civil cases, defendants are entitled to either public or private counsel.

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f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Both invasion of the home and tampering with correspondence are violations of Cameroonian law. There are reports that police do enter homes without warrants during periodic searches for criminals in lower income neighborhoods. Surveillance of suspected political dissidents, including monitoring of mail and of telephone conversations, is also common, such as the recent surveillance of some militant anglophones. Although membership in the country's sole political party, the Cameroon People's Democratic Movement, is not mandatory, there have been credible reports that zealous local party officials have denied routine services, such as issuance of a driver's license, to persons who are not party members. The Government does not condone such actions.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Constitution of 1972 guarantees the freedom of expression and press, but under Cameroonian law and practice these freedoms are restricted. During 1985, those restrictions were loosened slightly, but they remain extensive and are subject to Government interpretation. Informal political discussions in 1985 are much more open than they had been under former President Ahidjo, and there is no evidence anyone is punished for privately criticizing the Government. Independent newspapers continued to be available in wide variety, including 20 to 25 registered as "general information" papers during the course of the year. These newspapers have slowly increased their criticism of Cameroonian government programs, such as education, development, or censorship, and also offer limited criticism of the single party. There are still many proscribed subjects: University Professor Maurice Kamto was detained briefly for writing a critical review of a book entitled "The Social Ideas of Paul Biya". The newspaper issue which printed that article was seized by Government authorities, as were issues of other papers too sharply critical of major government or party figures. Long-standing problems with the local censor are also a major reason why one English-language newspaper, the Cameroon Times, was unable to publish for most of the year.

There has also been a slight increase in the amount of comment on internal politics in the government-controlled press and radio, although the Government affords official journalists much less latitude than it does their private counterparts. Most official journalists are civil servants, and if they are not sufficiently careful in their self-censorship, they can be transferred to less desirable jobs. Occasionally, issues of international publications are seized because they contain articles about Cameroon which the Government considers inflammatory. One example was an article during the Pope's visit which strongly criticized Cameroon's Catholic hierarchy.

Government restrictions on university lecture content and publications continue to decrease, but the Government reacts firmly to any signs of student protest as in the Bamenda incident in October.

b. Freedom of Peaceful Assembly and Association

The freedoms of assembly and association, while guaranteed in the Constitution, are restricted in practice and in law. The

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Cameroonian penal code prohibits public meetings, demonstrations, or processions without prior government approval, and organizations must register with the Government. The demonstration by anglophone high school students in Bamenda on October 1 was unauthorized. Anglophones suspected of planning or encouraging an anglophone student demonstration at the University of Yaounde have also been questioned by police, and authorities have searched the offices of some anglophone professors.

The sole labor union, the Cameroon Trades Union Congress, operates within the framework of the official party, the Cameroon People's Democratic Movement, and top union leadership is chosen by the Government. The union does not play a major role in Cameroonian politics, although it has a membership of approximately 450,000 workers in a working population of more than 3 million. It pursues individual worker grievances and seeks improvements in government programs for worker safety and training.

The union participates in government-regulated negotiations with employers, but strikes are illegal. Political activity by the trade union, excepting action designed to protect economic and other interests, is prohibited. The union cannot have contact with foreign trade union organizations without government authorization. Cameroon is a member of the International Labor Organization, and rank and file workers comprise part of the Cameroonian delegation to its meetings. The union is also a member of the Organization of African Trade Union Unity.

c. Freedom of Religion

Freedom of religion is guaranteed in the Constitution and is generally respected. Cameroon is comprised of 20 percent Muslims, 30 percent Christians, and the rest animists. Officials of the Government and party are drawn from members of all denominations. Missionaries played a major role in the development of Cameroon and continue to be active. However, the Jehovah's Witnesses, who do not acknowledge the supremacy of the state, were banned in 1970 and have periodically been targets of harassment since then. In December 1984, 89 Jehovah's Witnesses were arrested at their annual conference and held without trial until May 5, 1985. Observance of traditional religions is not discouraged by the Government, although acts of witchcraft, magic, or divination "liable to disrupt public order or tranquility or to harm person or property" are outlawed with penalties of up to 10 years imprisonment.

Independent Muslim and Christian publications exist in Cameroon, and there is no evidence that they are censored more heavily than the secular press. The exception, again, is the Jehovah's Witnesses, who are not allowed to publish or distribute their religious materials.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement within the country is not restricted by law. In practice, however, police frequently stop travelers for a check of identification, tax receipts, or voting cards. Exit visas are required to leave the country and sometimes are obtainable only after long bureaucratic delays. In some cases,

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these delays may represent attempts by the Government to discourage or even prevent departure. The Government has also been known to refuse issuance of a passport, or to confiscate an already issued passport, in order to prevent someone from traveling abroad. Cameroonians who leave the country must deposit sums sufficient to buy a return air ticket for repatriation should they become stranded abroad. There are no restrictions on the right of voluntary repatriation. Women must obtain the permission of their husbands or fathers to leave the country.

Over the years, Cameroon has served as a safehaven for thousands of displaced persons. The Government currently acknowledges the presence of some 45,000 Chadian refugees in Cameroon, 6,000 of whom are either at the United Nations High Commissioner for Refugees (UNHCR) refugee camp in Poli or are in the process of relocating there. The rest of the Chadians have integrated into the Cameroonian economy and do not receive government assistance. Cameroon is also host to displaced persons from South Africa, Zaire, Angola, and other African nations, and there are roughly 100 Namibians who are in Cameroon as students.

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

Cameroon continues to be a one-party state with political power and administrative responsibility concentrated in the presidency. Following the resignation of former President Ahidjo on November 4, 1982, his constitutional successor, Prime Minister Paul Biya, took office as President. In September 1983, Biya was elected President of the Party, following Ahidjo's resignation. President Biya subsequently withstood a coup attempt from forces allegedly close to Ahidjo. While the Constitution implies the legality of other political parties, in fact, only one party is permitted--the Cameroon People's Democratic Movement (CPDM). Although the election law theoretically permits multiple candidates for the presidency, President Biya ran unopposed in the January 1984 elections and received 99.98 percent of the votes. The President appoints governors, prefects, and cabinet ministers.

Cameroon's political system is a product of the country's ethnic and linguistic diversity, which includes some 230 languages and 3 separate European heritages (French, British, and German). A careful balancing act, within the one party, takes place to maintain political cohesion. Membership in the CPDM is thus open to all religious and ethnic groups, but the party remains a centrally controlled organization. The party elite chooses the candidates for local offices as well as for the National Assembly. One candidate is chosen for each position by the party and is submitted to the electorate. The electorate has never rejected a candidate chosen by the party since the Cameroon National Union was constituted the sole legal party in 1966. The CPDM Congress in March 1985 formally adopted a program of democratization within the party and encouraged some dissidents who had formerly been excluded from the party to become members. The CPDM is also working on reforms whereby the leadership of each level of the party organization will be chosen by the members at that level, rather than selected by the hierarchy.

Externally based dissident groups including the Union des Populations du Cameroun (francophone) and the Cameroon

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Democratic Party (anglophone) periodically send letters or pamphlets into the country. The Government attempts to seize these documents when they arrive.

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

The Cameroon Constitution affirms support for the freedoms guaranteed in the Universal Declaration of Human Rights and the United Nations Charter. Under President Biya, the Government has increased the attention it pays to human rights issues, both internally as a part of President Biya's program of "democratization" and in public statements at forums such as the United Nations.

In its 1985 Report (covering 1984), Amnesty International expressed concern over prison conditions in Cameroon, citing reports of torture and malnutrition. The organization also called for the trial or release of several prisoners of conscience, as well as information on those still detained as a result of the 1984 coup attempt. The Government has not responded to those requests. Freedom House rated Cameroon "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Cameroon's population is approximately 9.7 million, and is growing at a rate of 2.6 percent per year. Over 60 percent of the population still lives in rural areas, but the urban population is expanding by 10-12 percent per year. The per capita gross national product (\$820 in 1983) is poorly distributed among the population.

Cameroon has one of the strongest economies among African developing countries, with a gross domestic product of \$7.3 billion (1983-84), and a 6.5 percent growth rate, due primarily to oil revenues, strong and diversified agriculture, a relatively well-balanced, market-oriented economy and prudent economic policy management. The rate of inflation is officially estimated at 14 percent, but it is probably somewhat higher. The rapid growth in urban population has produced an increased need for basic urban infrastructure, and also means that continuing productivity increases in food crop agriculture are necessary if Cameroon is to continue to produce the major part of its food requirements in rural areas. Many of those living below the poverty level (40 percent in 1978) are subsistence farmers.

The average Cameroonian has a life expectancy of 54.6 years. Nationally, the infant mortality rate is officially 113 per 1,000 live births but is probably closer to 127. Chronic undernutrition affects 21 percent of the children under age 5. Despite this figure, the ratio of caloric supply available for consumption relative to nutritional requirements was 102 percent in 1981. Such practices as early weaning, as well as intestinal parasites and diarrhea, have contributed to infant and child malnutrition, despite the surplus of calories available. Malnutrition is more prevalent in rural areas. Based on a 1976 estimate, some 26 percent of the population is estimated to have access to safe drinking water; the figure for urban dwellers is 35 percent and for rural inhabitants 22 percent.

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The national adult literacy rate is 41.5 percent; 54.6 percent for men and 24.5 percent for women (1976). The school enrollment rate for children between the ages of 6 and 14 averages 88 percent in urban areas and 46 percent in rural areas, with female students noticeably underrepresented in rural secondary schools. School attendance rates are one-third the national average in the Muslim north, where only 22 percent of the children attend school. Girls are underprivileged, both in access to higher education and in terms of professional opportunities. Girls from the southern part of the country, although disadvantaged at the level of secondary entrance when compared with boys from the same areas, have a considerable educational lead over both girls and boys from the eastern and northern provinces.

The Cameroonian national labor code sets the minimum working age at 14, the minimum annual paid vacation at 18 days, and the legal work week at 40 hours for nonagricultural employees and up to 48 hours per week for agricultural workers. Minimum monthly wages are set by the Government for all types of jobs in both the public and private sectors. Wage rates are based on geographic zones, types of industry, and workers' qualifications and length of service. The lowest pay levels are not sufficient to support a family but, in most cases, such wages are supplemented by a second job or another family member's earnings. Workers with middle-range wages are also likely to need second incomes to support a family, especially in the high cost living areas of Yaounde and Douala. Because of Cameroon's healthy economy, opportunities do exist for workers to supplement their wage levels with second jobs. Occupational health and safety is mandated by law, based on the International Labor Organization standards. In theory, these standards are enforced by Ministry of Labor inspectors, but they lack the means for effective enforcement.

Women enjoy equal rights under the Constitution and are politically active in the party and labor union. The women's wing of the party has developed programs aimed at encouraging the economic and social productivity of Cameroonian women. Women are represented in the modern sector, although not proportionately in the upper levels of administration and in the professions. There are currently five women in President Biya's cabinet, but no women governors or prefects. Women also hold positions in the National Assembly and, as a result of the 1983 legislative elections, the percentage of women in the National Assembly increased from 10 to 14 percent.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: CAMEROON	1983	1984	1985	
I.ECON. ASSIST.-TOTAL...	21.8	25.3	27.6	
LOANS.....	13.0	11.3	6.6	
GRANTS.....	8.8	14.0	21.0	
A.AID.....	19.0	22.5	23.8	
LOANS.....	13.0	11.3	6.6	
GRANTS.....	6.0	11.2	17.2	
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0	
B.FOOD FOR PEACE.....	0.8	0.4	3.8	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.8	0.4	3.8	
TITLE I-TOTAL.....	0.0	0.0	0.0	
REPAY. IN \$-LOANS....	0.0	0.0	0.0	
PAY. IN FOR. CURR....	0.0	0.0	0.0	
TITLE II-TOTAL.....	0.8	0.4	3.8	
E.RELIEF.EC.DEV & WFP.	0.4	0.4	3.8	
VOL.RELIEF AGENCY....	0.4	0.0	0.0	
C.OTHER ECON. ASSIST...	2.0	2.4	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	2.0	2.4	0.0	
PEACE CORPS.....	2.0	2.4	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II.MIL. ASSIST.-TOTAL...	2.6	5.1	5.1	
LOANS.....	2.5	5.0	5.0	
GRANTS.....	0.1	0.1	0.1	
A.MAP GRANTS.....	0.0	0.0	0.0	
B.CREDIT FINANCING...	2.5	5.0	5.0	
C.INTL MIL.ED.TRNG...	0.1	0.1	0.1	
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E.OTHER GRANTS.....	0.0	0.0	0.0	
III.TOTAL ECON. & MIL...	24.4	30.4	32.7	
LOANS.....	15.5	16.3	11.6	
GRANTS.....	8.9	14.1	21.1	
OTHER US LOANS.....	0.0	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	0.0	0.0	
ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	
			1946-85	
TOTAL.....	58.9	51.5	204.7	1351.8
IBRD.....	42.5	21.5	153.8	718.3
IFC.....	1.3	0.0	2.2	17.9
IDA.....	0.0	0.0	0.0	229.2
IDB.....	0.0	0.0	0.0	0.0
ADB.....	0.0	0.0	0.0	0.0
AFDB.....	0.0	0.8	13.0	47.7
UNDP.....	4.4	4.2	0.0	51.5
OTHER-UN.....	0.0	0.0	2.7	10.1
EEC.....	10.7	25.0	28.0	287.1

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Cape Verde is ruled by the African Party for the Independence of Cape Verde (PAICV), the country's sole political party. Government ministers, in most cases, are also senior members of the party. Many of them are former leaders of the revolutionary movement to free Cape Verde from Portuguese rule. The party leadership, headed by President Aristides Pereira, rules the country. Although the PAICV is officially open to anyone wishing to join, less than 10 percent of the voting population are active party "militants." Security responsibilities are divided between the Army and the security and police forces, which operate under leadership approved by the party.

The Constitution adopted in 1980 declares the party to be "the supreme expression" of the people and designates the Popular National Assembly as the supreme organ. The Assembly, which selects the President, is elected from a single slate of candidates proposed to the electorate by the party. Elections for the third National Assembly were held on December 7, 1985.

Cape Verde's economy has suffered from an 18-year drought but has benefited from generous foreign assistance, remittances from Cape Verdean emigrants, and efficient economic management by the Government. Moreover, the country has made substantial strides in providing adequate health care, education, and other services. The Government, which is the largest nonagricultural employer, controls banking, the import of basic commodities, the airlines, the press, and the schools. Private property rights are respected, and a substantial private sector consists of shops, hotels, farms, fishing, small industries such as tuna canneries, and the professions.

The human rights situation during 1985 remained basically the same as in 1984. The Government passed a new law aimed at greater freedom of press, but the party cautioned that this right should be exercised responsibly. While little political activity takes place outside party or mass organizations, the largely apolitical population is not repressed and there is little sign of hostile opposition. The longstanding Cape Verdean tradition of emigration provides an escape valve for discontent. Within the one-party system, elections in 1985 provided an opportunity for expanded participation in the political process by all persons over 18 years of age.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

During 1985 there were no reported instances of politically motivated killings. Cape Verde is the only country in Africa where capital punishment has been outlawed.

b. Disappearance

During 1985 there were no reported cases of disappearance.

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c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Although there was no evidence in 1985 of torture and cruel, inhuman, or degrading treatment or punishment being used in a generalized manner, groups of Cape Verdean emigres from time to time allege that one or another of these activities takes place. The possibility of beatings during interrogations by security officers cannot be ruled out, but there is no evidence that they are condoned by responsible government officials. Conditions in prisons are poor.

d. Arbitrary Arrest, Detention, or Exile

During 1985 there were no reported instances of people being detained, punished, or tried for the expression of views critical of or different from those of the Government. There were no instances of forced exile for political or other reasons. In cases of alleged crimes against state security, persons may be detained for up to five months upon a judge's ruling without trial. There are no forced labor practices in Cape Verde.

e. Denial of Fair Public Trial

There are no known political prisoners in Cape Verde. Habeas corpus exists in Cape Verde and appears to be observed except in state security cases. Unless caught in the act, the accused must be brought before a judge within 48 hours of arrest to hear the prosecutor's evidence against him. In exceptional cases, and then only with the concurrence of a procurator or judge, the laying of formal charges may be slightly delayed, but must nonetheless take place within five days. The accused has the right to representation by counsel at such hearings and, depending on the judge's ruling, may be held in custody, released on bail, or released unconditionally. Trials are conducted by a judge, and a public prosecutor presents the case against the accused, who is defended by counsel. The Autonomous Institute for Judiciary Support, to which all private lawyers belong, exists to provide counsel in cases of need. There is no jury system. Trials are generally handled expeditiously and appeal is possible. There is also a system of popular tribunals to adjudicate minor disputes in rural areas. The "judges" are usually prominent local citizens without legal training, who are appointees of the Ministry of Justice. Their decisions can be appealed within the regular court system.

The judiciary does not have the authority to determine the constitutionality of legislation. Although, according to the Constitution, judges are independent, one former judge now living outside the country has claimed that one-party rule in practice has hampered the functioning of a truly independent judiciary. Most evidence suggests, however, that the courts protect individual rights in criminal cases.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution recognizes the inviolability of domicile, correspondence, and other private means of communication. In the case of a domicile, the law requires search warrants issued by a judge. There were no known cases of arbitrary interference with privacy, family, home, or correspondence during 1985. The Constitution also contains a provision

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stating that every citizen has the right and the duty to participate in the political, economic, and cultural life of the country. This provision theoretically could be used to force participation in activities against the individual's will. In practice, there is no evidence to suggest that it has been so used.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Constitution proclaims freedom of speech and intellectual creativity, but it also stipulates that none of these rights may be exercised "contrary to national unity". While freedom of the press is not specifically guaranteed by the Constitution, a new law adopted in 1985 assures citizens the right to express their views in the press. At the same time, the political commission of the party underlined that this right should be exercised responsibly. The weekly newspaper and radio are government owned, and follow government policies. Although occasional articles critical of some aspects of government policy are printed or broadcast, this is probably done with prior government authorization. International periodicals generally circulate freely in Cape Verde, even when they contain articles critical of or unflattering to the Government, as is sometimes the case with Portuguese newspapers. International radio broadcasts are received without interference. Censorship of movies is practiced, although it is not known if the criteria are political or moral. Local radio broadcasts carry items from Western press agencies as well as from Communist countries, generally identifying sources on controversial international issues and balancing, for example, Tass reports with reports from Western sources. The Catholic Church's newspaper, which occasionally publishes moderate criticism of some aspects of life in Cape Verde, seems to be tolerated without interference. The Nazarenes and Seventh Day Adventists distribute papers published abroad.

b. Freedom of Peaceful Assembly and Association

While the Constitution specifies the rights of freedom of assembly, association, and demonstration, as a practical matter no organization opposed to government actions or policies is permitted. Private associations other than sports clubs and religious youth groups do not exist, and those few are subject to authorization. Party sponsored "mass organizations" of women and youth are prominent.

Workers in several sectors are organized into unions which are members of the National Union Confederation. Although it claims to be independent of the party, the Confederation is affiliated with the party and headed by a high ranking party member. Perhaps one-third of the active work force are nominal union members. Individual unions perform some traditional trade union functions and also act as party affiliates. The right to collective bargaining exists. If a dispute cannot be settled by the employer and the union or employees involved, the matter is referred to a labor tribunal. The right to strike is guaranteed but rarely used, even though union leadership in state enterprises has taken positions opposed to government policies on specific issues. The National Union Confederation is a participant in the International Labor Organization and is affiliated with the Organization of African Trade Union Unity, but has not taken

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positions independent of those officially sanctioned by the Government. It maintains contact and receives assistance from both Communist and non-Communist national unions abroad.

c. Freedom of Religion

The Constitution provides for separation of church and state. Freedom of worship is respected by the Government, and members of all faiths practice their religion without harassment. Two-thirds or more of the population, probably including most government leaders, are nominally Catholic, but the dominance of Catholicism does not appear adversely to affect other faiths. Evangelical Protestants and Seventh Day Adventists make up the two other principal religious communities.

At least two faiths, the Baha'i and Christian Rationalism, which were formally banned or suppressed under the Portuguese, have been permitted to reestablish themselves since independence. There are no restrictions on religious conversion and teaching, or on contacts with coreligionists outside Cape Verde. The Catholic Church, for example, openly opposes birth control by other than the "natural family planning" method, even though other methods are advocated and supported by the Government.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no extraordinary legal or administrative restrictions on either travel or residence within the country. All resident Cape Verdeans wishing to leave the country, either temporarily or permanently, must obtain exit permission from the Government. Such permission has not been denied for political reasons. Emigration has long been an important and recognized means of escape from prevailing harsh economic conditions. The Government makes a considerable effort to maintain close contact with emigre communities, and provides every opportunity for Cape Verdeans living abroad to maintain their ties with the homeland, including making provision for them to vote in elections. Repatriation is a constitutional right, and the Government does not discourage intending repatriates.

The law allows for revocation of citizenship on several grounds, including activities contrary to the interest of the country. However, there are no known cases of the Government instituting proceedings to deprive persons of citizenship. There are at most only a handful of foreign refugees in Cape Verde. In August 1985, when a Cuban family sought refuge in the American Embassy and assistance in departing to a third country, the Government not only authorized them to leave but provided protection and cooperated fully in making the departure arrangements.

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

The single-party monopoly of power in Cape Verde is inscribed in the Constitution. Opposition parties are not permitted, although small opposition groups exist abroad. The small group of men who actually led the struggle for independence occupy positions of leadership in both the party and the Government. The Secretary General of the party is President of the Republic; the Deputy Secretary General is Prime Minister; and the third ranking party official is President of the National Assembly. Altogether, seven of the nine members

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of the party's Political Commission are also Ministers; the other two manage day-to-day activities of the party. At the time of the party's second and most recent Congress in 1983, there were 5,860 members, representing about 5 percent of the total adult population, a 100 percent increase since 1975. The party membership is young (47 percent under 30 years of age), largely male (women are 14 percent of membership), disproportionately urban (50 percent in a nation which is more than two-thirds rural), and heavily bureaucratic (25 percent of the party members are civil servants or employees of state enterprises). Within this elitist party, there exists modest scope for meaningful political activity. For example, the delegates to the Second Party Congress, and the leadership itself, were elected by secret ballot with some unexpected changes in the order of precedence of the Ministers. The party leadership at that Congress also made an obvious effort to give more prominent roles to women and individuals possessing less solid revolutionary credentials.

Elections for the Third Popular Assembly were held in December 1985. The party controls the election process, but each list of candidates contained from 1 1/2 to 4 times more names than the number of deputies to be elected from a particular constituency. There are at least three stages of local consultation and the final candidates, including nonparty as well as party members, are selected by secret ballot. In the 1985 elections, 6 persons not on the party's preliminary list were chosen by the people for inclusion on the final list.

While the National Assembly is the formal supreme organ of the Government, in fact most day-to-day decisions are delegated to the Council of Ministers. The Assembly meets twice yearly in sessions at which earlier party/government decisions are ratified. Although issues are debated openly, with critical interventions reported by the media, policy decisions made by the Council of Ministers are not reversed. Nevertheless, deputies who believe the interests of their constituents are being harmed by Government policies or decisions feel free to criticize those policies or decisions, and do so.

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

In the past, the Government has permitted visits by private organizations to check on the condition of persons convicted for political or related offenses. There are no known instances in which the Government has been the subject of resolutions, investigations, or other actions by international human rights organizations. A few Cape Verdean emigrants living abroad have consistently made allegations of human rights violations. These charges may have influenced internal policies, given the Government's major effort to maintain close relations with the large communities of Cape Verdean emigrants around the world. There are no known human rights organizations in the country, although the lawyers' Association for the Provision of Judicial Support in effect acts as such. Amnesty International's 1985 Report does not contain an entry on Cape Verde. Freedom House rates Cape Verde as "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Cape Verde has few natural resources and suffers from inadequate rainfall and other fresh water supplies. In

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periods of normal rainfall, only 4 of the 10 islands support significant agricultural production. The population is about 312,000 and growing at the rate of 1.9 percent a year. Over 100,000 persons farm or work in agricultural production. Per capita GNP is estimated at about \$353. Over the past 150 years, recurrent droughts and high unemployment have led to massive emigration. There is a large Cape Verdean overseas population estimated at about 500,000, of whom some 300,000 live in the United States. Emigrant remittances and foreign aid account for two-thirds of the country's GNP.

The Government gives high priority to the prevention of famine, which has been averted since independence through food aid provided primarily by western countries, including a cumulative total of \$60 million from the U.S. There have been no recorded deaths from starvation, though this was a serious problem during droughts prior to independence. Up to 20 percent of donated emergency food is distributed free to the old, the infirm, and others unable to work. The remainder is sold under the terms of agreements with the donors and the proceeds used for development projects such as water and soil conservation programs.

Life expectancy at birth is 62 years, with an infant mortality rate estimated at 88 per 1,000 live births, and an overall death rate in 1980 of 8 per 1000. The adult literacy rate is 37 percent. Primary school attendance (ages 7 to 12) has increased 300 percent since independence, and schooling is now available to more than 80 percent of this age group. Nonetheless, schools continue to be characterized by overcrowded classrooms and a paucity of trained teachers.

The Code of the Family, enacted in October 1981, prescribes full legal equality of men and women, including equal pay for equal work. Minimum wages are established by government decree. As of January 1, 1986, the established minimum wage for civil servants (the basis for minimum wages in all other forms of nonrural employment) is approximately \$72 per month at current exchange rates. In rural areas, the daily minimum for the least skilled types of labor is about \$0.83. There are 10 paid holidays per year, with supplementary "days of tolerance" for some religious festivals or other special occasions. There does not appear to be an overall safety and health code for the workplace, although there are particular regulations such as those prohibiting the employment of minors in establishments where toxic materials are present. The minimum age for employment is 14, and children under 16 are prohibited from working at night or working more than 7 hours per day. The normal work week is 44 hours over 5 1/2 days. A worker is entitled to at least one full day (24 hours) of leisure per week. These regulations seem to be respected in practice.

Racial discrimination is not a problem in Cape Verde. The vast majority of the population is of Portuguese-African ancestry. Sex discrimination exists sociologically, although banned by the Constitution. Many of the traditional, male oriented values of the Portuguese and African ancestors of today's Cape Verdeans are still part of the country's culture. Women have been customarily excluded from certain types of work and are often paid less than men for comparable work. However, the Government has included women in the labor intensive economic development projects financed by foreign grants. The Organization of Cape Verdean Women was founded in 1980, with party encouragement, to sensitize Cape Verdeans to issues affecting women.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: CAPE VERDE	1983	1984	1985	
I.ECON. ASSIST.-TOTAL...	4.9	6.5	4.9	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	4.9	6.5	4.9	
A.AID	2.2	2.0	3.4	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	2.2	2.0	3.4	
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0	
B.FOOD FOR PEACE.....	2.7	4.5	1.5	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	2.7	4.5	1.5	
TITLE I-TOTAL.....	0.0	0.0	0.0	
REPAY. IN \$-LOANS.....	0.0	0.0	0.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	2.7	4.5	1.5	
E.RELIEF.EC.DEV & WFP.	2.7	4.5	1.5	
VOL.RELIEF AGENCY.....	0.0	0.0	0.0	
C.OTHER ECON. ASSIST...	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
PEACE CORPS.....	0.0	0.0	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.1	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.1	
A.MAP GRANTS.....	0.0	0.0	0.0	
B.CREDIT FINANCING....	0.0	0.0	0.0	
C.INTL MIL.ED.TRNG....	0.0	0.0	0.1	
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E.OTHER GRANTS.....	0.0	0.0	0.0	
III.TOTAL ECON. & MIL...	4.9	6.5	5.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	4.9	6.5	5.0	
OTHER US LOANS.....	0.0	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	0.0	0.0	
ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	1946-85
TOTAL.....	9.1	1.9	28.3	68.5
IBRD	0.0	0.0	0.0	0.0
IFC	0.0	0.0	0.0	0.0
IDA	7.2	0.0	4.0	11.2
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	1.1	24.3	47.7
UNDP	1.9	0.8	0.0	8.6
OTHER-UN	0.0	0.0	0.0	1.0
EEC	0.0	0.0	0.0	0.0

CENTRAL AFRICAN REPUBLIC

General Andre Dieudonne Kolingba has headed the Government of the Central African Republic since his accession to power in a bloodless coup on September 1, 1981. He holds all political power and is the final arbiter on all governmental matters. He also headed the Military Committee for National Recovery until September 21, 1985, when that Committee was dissolved to make way for a civilian government composed of 18 Ministers, 4 Secretaries of State, and 2 High Commissioners. This shift is viewed as one step in broadening the base of the Government.

The Ministry of Interior is in charge of the Central African Republic's civilian police force. These police normally man barriers on the major roads and keep records on the movement of vehicles. The presidency has its own security force. The Ministry of Defense also has a military police force, in addition to the armed forces. Kolingba's Government faced sporadic challenges from dissidents in the north along the Chadian border throughout 1985. Although the dissidents were not a major threat, Central African and Chadian military forces held a joint military sweep through the area in April in an effort to root out opposition elements. A number of villages allegedly harboring oppositionists were burned, and a number of people were arrested and brought to the capital of Bangui.

The Central African Republic is a poor, landlocked, sparsely populated country. Its inhabitants for the most part derive their livelihood from subsistence agriculture. Only about 1 percent of the population is university educated. The essentially free enterprise agrarian economy, one of the world's least monetized, has suffered from inadequately coordinated and implemented government policies, occasional drought, and a poorly trained work force. Expatriates dominate the small manufacturing and commercial sectors of the economy. In 1985, the Government made progress towards reducing fraud and corruption in the public sector and towards stimulating the economy in the agricultural and industrial sectors.

There was some improvement in the human rights situation in the Central African Republic in 1985. The Government on December 31, 1984, released 85 political prisoners who had never been brought to trial and reduced the sentences of some others. As the year 1985 progressed, however, some civilian casualties were reported in the northern fighting, and sporadic arrests of people for political reasons continued. Some of those arrested were held until proven innocent and then released; others were found guilty and sentenced; others are still held without being charged. On December 1, 1985, President Kolingba pardoned 89 political prisoners. An additional 120 persons convicted of or charged with nonpolitical offenses were also released.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There is no evidence of killings or summary executions for political motives by government forces. However, there may have been some civilian casualties in the military action against guerrillas in April.

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b. Disappearance

There is no evidence that people have been abducted, secretly arrested, or clandestinely detained, or that they disappeared as a result of government action.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Penal Code prohibits torture and provides for sanctions against persons guilty of physical abuse. Nevertheless, there are reports of beatings in prisons. In addition, there have been reports of torture by military officers of alleged dissidents or sympathizers in the northern area around Paoua. Conditions in the prisons are generally poor, and medical attention is inadequate. However, prominent political detainees have reportedly been well-treated and given special privileges, such as extra family visits.

d. Arbitrary Arrest, Detention, or Exile

Kolingba's Government has on occasion engaged in arbitrary arrest and imprisonment. Generally such arrests occur when allegations are made that a suspect has engaged in acts which present a threat to the regime. It is likely that some political detainees are currently being held, but it is difficult to say precisely how many are being held at any one time since they are not all kept at the main prison but may be kept in the gendarmerie or in other detention places around Bangui. Often they are held for a few days or a few months and released if no evidence is found against them. Family members, legal counsel, doctors, and ministers of the faith have, as a rule, been allowed access to prisoners. It is not uncommon for those held outside the main prison to be allowed to return home during the day or to sleep at night. Under local law, political detainees can be held without charge for as long as 2 months, but at that point detainees must either be formally charged or released. If they are charged, local judicial procedures (which are modeled on French procedures) allow for open-ended preventive detention while the public prosecutor prepares the state's case against the accused. Some political detainees are held much longer than 2 months, however, without formal charges being brought against them. In the case of common criminals, the law requires that within 96 hours they be brought before a magistrate who decides whether formal charges will be filed.

About six well-known political opponents live in exile. Several have been sentenced to death in absentia for crimes against the state. However, during December 1, 1985, National Day celebrations, President Kolingba indicated a possible willingness to move toward reconciliation with opposition elements.

The Government has been cited in the International Labor Organization (ILO) for being in violation of ILO conventions 29 and 105, for allegedly imposing compulsory labor on prisoners jailed for unauthorized political activities.

e. Denial of a Fair Public Trial

In most common criminal cases, the Government permits French-modeled legal procedures to be fairly and openly applied and the laws to be properly executed. The new

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constitutional decree of September 21, 1985, which is apparently prefatory to the planned future constitution, states that the judiciary "is guaranteed independence (from) the legislative and executive (power)." The President of the Republic is the guarantor of that independence in his role of "President of the Supreme Magistrative Council."

The number of political prisoners is unknown. The case of High Commissioner Francois Gueret, Secretary General of the banned political party, Movement for Democracy and Independence, has been well-publicized and is not atypical. In February 1985, he was arrested and charged with destroying administrative documents and inciting public disorder. When the State's procurer cited lack of evidence to support those charges, Gueret was charged with refusing to wear the military uniform required of high commissioners. A judicial inquiry recommended his release at the end of April. Nevertheless, he continued to be detained and was finally charged with trying to overthrow the Government. A public trial, under a special tribunal, was held, and he was convicted and sentenced to 10 years in prison.

A special tribunal comprising civilian magistrates and military advisers adjudicates political crimes. The special tribunal differs from ordinary courts in that there is no appeal process except for the possibility of presidential clemency, and in that it can try a case only after being specifically authorized by the President. Political detainees have a right to legal counsel from the start of formal procedures. President Kolingba has authorized the meeting of the special tribunal on a fairly frequent basis. Trials are open to the public and are often reported in the local media.

Section 2 Respect for Civil Rights, including:

a. Freedom of Speech and Press

The right to speak publicly about political developments or to criticize the Government is circumscribed although most people feel free to comment privately on the situation. The Government prohibits the distribution of tracts and literature deemed to be subversive. There are no regularly published newspapers, but those that do appear sporadically are carefully monitored. Both the radio and television are controlled by the Government.

In July 1985, the local television broadcast a roundtable on human rights to a wide audience. Roundtable participants included government officials and private individuals involved in legal matters, as well as the U.S. Ambassador.

b. Freedom of Peaceful Assembly and Association

Only assemblies of a nonpolitical nature can take place without fear of government repression.

In 1981, Kolingba suspended the General Union of Central African Workers, and no effective labor movement has existed in the country since that time. The Government tacitly approves of an apoliticized labor federation that exists mostly on paper and has no collective bargaining authority. The ILO has a case pending before it involving the Central African Republic's alleged violations of the right to freedom of association under ILO Convention 87. The Government has

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yet to provide the substantive information requested by the ILO committee reviewing the case. In principle, the right to strike exists, although fear of government reprisals has dampened the enthusiasm of potential strikers.

During 1985, there was a very brief student strike at the university to protest the detention of two student association leaders who had been suspended for disrupting the activities of the association. They were not detained for long, and the strike ended quickly. Also in 1985 there were, for the first time, several demonstrations in Bangui by university graduates and sympathizers who have not found employment due to the current freeze on hiring in the civil service and the paucity of jobs in the private sector. The demonstrations were peaceful, and the Government refrained from taking any repressive measures.

c. Freedom of Religion

The Government does not generally interfere with religious activities. Religious organizations and missionary groups are provided religious freedom by Central African custom. No single religion predominates, nor does the Government appear to discriminate in favor of or against specific religions.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

People are generally free to move about within the country, although there are road checkpoints. The right of voluntary travel and repatriation is recognized. Financial and educational constraints rather than government controls restrict most foreign travel and emigration. No case of revocation of citizenship was reported in 1985.

The country remains relatively hospitable to foreigners; the largest foreign population living either temporarily or permanently in the country is from Chad, with the vast majority relying on U.N. relief. During 1985, the number of Chadian refugees--mostly women, children, and the aged--increased to some 40,000 along the northern border. The Government is working with the United Nations High Commission for Refugees (UNHCR) to move them to four settlements away from the border. Recent reports indicate that many of the refugees are now returning to Chad.

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

On September 21, 1985, President Kolingba dissolved the National Committee for Recovery and appointed a civilian cabinet, an event which continued the process begun in 1984 of moving from a military government towards institutionalization of a civilian government. Kolingba took a further step towards civilian rule in December when he announced that he will name a constitutional commission in early 1986 which would be tasked with writing a new constitution or appropriately amending the constitution that was suspended in 1981. Currently, President Kolingba retains all political power, presiding over the executive branch and establishing legislation through the Council of Ministers and by presidential decree. Although in practice he allows his cabinet considerable leeway in the day-to-day activities of

CENTRAL AFRICAN REPUBLIC

government administration, he makes all important policy decisions and is the final arbiter of all government matters. Since September 1, 1981, all forms of public and private assembly for political purposes have been proscribed and Kolingba has stated that he has "no intention of returning his country to the turbulent multiparty experience of the pre-1981 regime."

Preference for high government positions has generally been given to members of President Kolingba's Yakoma tribe. However, the preeminence of this group has been lessened by Kolingba's recent cabinet reshuffle. There are no women ministers, secretaries of state, or high commissioners in the Kolingba Government.

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

The Government does not welcome and is sensitive to international or nongovernmental investigation of alleged human rights abuses but does not prohibit such investigations. Representatives of Amnesty International and the International Committee of the Red Cross visit Bangui periodically. Amnesty International, in its 1985 report (covering 1984), was concerned about the imprisonment of prisoners of conscience (most of whom were released at the end of 1984); about the detention without trial of other political prisoners, including some refugees; and about certain aspects of trials before the special tribunal. Freedom House rates the Central African Republic "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The Central African Republic is one of the world's least developed nations. In 1985, per capita gross national product was \$310, and the population of 2.8 million was growing at the rate of 3 percent a year.

The economy has suffered in the past 15 years from poor policies, inept management, and corruption, but agricultural production during 1985 was good with cotton and coffee production up substantially. Current government plans focus on strengthening the agricultural sector--and on discouraging urban migration by providing rural development--primarily through road building/maintenance programs and encouraging cash and food crop production. During 1985, in accordance with an International Monetary Fund standby agreement, the Government continued to implement austere budget measures and increase government revenues including efforts to reduce the bloated civil service and improve tax collection.

The infant mortality rate is 134 per 1,000 live births, and life expectancy at birth is only 48.8 years, due to inadequate or simply nonexistent health care in most of the country. Although health care is accorded a high priority by the Government, lack of trained personnel and the inaccessibility of large parts of the country impede its delivery to much of the population. In 1978, 40 percent of the urban population and 5 percent of the rural population had access to safe water. In 1977, caloric supply as a percent of the daily requirement was 95 for the average Central African.

CENTRAL AFRICAN REPUBLIC

Almost all education in the country is government supported. Total school population is about 310,000 (primary through university levels). In 1980, about 33 percent of the adult population was literate (49 percent of the men and 19 percent of the women); undoubtedly this rate is far lower in rural areas. The Government is making a concerted effort to train more teachers and to build more schools for those living outside the capital. In 1981, primary school enrollment was 89 percent for males and 50 percent for females of primary school age.

With respect to employment and working conditions, the law forbids employment of children under 14 years of age. While it is only loosely enforced, jobs are in such demand that children in the labor force are generally limited to working as helpers in family business such as selling food products or cigarettes. Minimum wages have been established by the Government, and a social security system exists. However, much labor is performed outside the wage and social security system and probably does not meet the minimum levels set. The law sets maximum working hours for government employees and most people in the private sector at 40 hours per week. Domestic employees may work up to 56 hours. There are also general laws on health and safety standards in the workplace, but they are neither precisely defined nor actively enforced.

Women are generally accorded a lower status than men in the Central African Republic. Their work at home and in the fields prevents many of them from receiving any formal education. Polygamy is common, but the legal system and traditional practice support the rights of wives and all children of such marriages. A national women's organization exists which is supported by the Government.

There are more than 80 ethnic groups living in the Central African Republic. There is no institutionalized discrimination.

U.S. OVERSEAS - LOANS AND GRANTS - OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S. FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: CENTRAL AFRICAN REPUBLIC			
	1983	1984	1985
I. ECON. ASSIST.-TOTAL...	1.5	3.6	2.8
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.5	3.6	2.8
A. AID.....	0.0	1.2	2.4
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	1.2	2.4
(SEC. SUPP. ASSIST.)...	0.0	0.0	0.0
B. FOOD FOR PEACE.....	0.0	0.4	0.4
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.4	0.4
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN \$-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.4	0.4
E. RELIEF, EC. DEV & WFP.	0.0	0.4	0.4
VOL. RELIEF AGENCY.....	0.0	0.0	0.0
C. OTHER ECON. ASSIST...	1.5	2.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.5	2.0	0.0
PEACE CORPS.....	1.5	2.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II. MIL. ASSIST.-TOTAL...	0.0	0.1	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.1	0.1
A. MAP GRANTS.....	0.0	0.0	0.0
B. CREDIT FINANCING....	0.0	0.0	0.0
C. INTL MIL. ED. TRNG...	0.0	0.1	0.1
D. TRAN-EXCESS STOCK...	0.0	0.0	0.0
E. OTHER GRANTS.....	0.0	0.0	0.0
III. TOTAL ECON. & MIL...	1.5	3.7	2.9
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.5	3.7	2.9
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0
ASSISTANCE FROM INTERNATIONAL AGENCIES			
	1983	1984	1985
TOTAL.....	39.7	12.0	15.6
IBRD.....	0.0	0.0	0.0
IFC.....	0.0	0.0	0.0
IDA.....	21.4	0.0	8.0
IDB.....	0.0	0.0	0.0
ADB.....	0.0	0.0	0.0
AFDB.....	14.9	5.4	7.6
UNOP.....	3.4	4.3	0.0
OTHER-UN.....	0.0	2.3	0.0
ECC.....	0.0	0.0	0.0
			1946-85
TOTAL.....			272.8
IBRD.....			0.0
IFC.....			0.0
IDA.....			87.2
IDB.....			0.0
ADB.....			0.0
AFDB.....			70.1
UNOP.....			33.1
OTHER-UN.....			8.0
ECC.....			74.4

CHAD

Since 1982, Chad has been governed by a military regime led by President Hisssein Habre. Relying upon the armed forces as his power base, Mr. Habre heads a Council of Ministers which, along with an appointed National Consultative Council, comprises the executive and legislative branches of the Government. The multiethnic National Union for Independence and Revolution (UNIR) was created in 1984 to broaden Habre's political base, and in 1985 it continued to be the only legally authorized political movement. President Habre is now making a concerted effort to create a truly national government and end the complex civil war that has raged with varying intensity for over 20 years. The long conflict has produced massive dislocations of Chadians and heavy civilian and military casualties. Habre's efforts toward national reconciliation are inhibited, however, by the continued occupation of the northern 40 percent of the country (mainly desert) by over 5,000 Libyan soldiers in alliance with rebel forces headed by ex-President Goukouni Oueddei, the leader of the so-called Transitional Government of National Unity (GUNT). Furthermore, the Libyans support much of the rebel activity in central and southern Chad, which involves forces tied at least nominally to GUNT vice president Colonel Wadel Kamougue.

Although rebel activity in the South decreased during 1985, insurgent attacks against military and civilian targets still occurred sporadically and remain a constant threat. The vigorous and often indiscriminate government responses to these attacks have produced cycles of violence and human rights violations. Government soldiers and rebels alike sometimes pillage and murder, and many in the countryside continue to fear for their lives and consequently flee to neighboring countries.

Chad is desperately poor. Its Government is debt-ridden and its population of 5 million has the lowest annual per capita gross national product (GNP) in the world: less than \$80. In 1985, however, the severe regional drought abated and prospects for good harvests improved. Economic and especially famine disaster was averted by the nearly \$200 million of foreign assistance provided in 1985 for emergency food aid and development projects. The Chadian Government obtains most of its revenues from customs duties and an export tax on cotton. The cotton crop continues to be a favorite target of the rebels.

During the years of the most intense period in the civil war, 1979 to 1982, judicial and other civil institutions that might have protected human rights disintegrated and are only beginning to be reestablished in the nonoccupied areas. Armed conflict in the South accounted for many of the worst human rights abuses during 1985. However, the prospects for good harvests, healthier and more abundant livestock, steady reconstruction, together with war-weariness, a growing respect for President Habre's ability to govern, and increasing discord among the armed opposition, encouraged many rebels to abandon the insurgency and join with the Government. Libyan-occupied northern Chad remains closed to outside observers, and it is difficult to document human rights abuses there. The Chadian Government has accused the Libyans of forcibly deporting Chadians to labor camps and prisons in Libya, of compelling Chadian women to marry Libyan soldiers, and of imposing strict controls on virtually all civilian movement.

CHAD

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

With the North firmly under Libyan military occupation, the fighting in 1985 was mostly between the Government and rebels in southern Chad. As a carry-over from 1984, when the insurgency in the south was much worse, de facto martial law continues in some southern provinces. Southerners suspected of supporting rebel commandos ("CODOS") against the Government have been victimized by the often poorly trained and disciplined government soldiers.

There were many examples of both government and rebel violence in 1985: In February, in villages near Danamadji (Moyen Chari Province), government troops killed 50 civilians in an attempt to avenge the deaths of 12 National Armed Forces (FANT) soldiers at the hands of "CODOS". In April, presidential guards reportedly killed 17 villagers in Gondey. Early in the year, government forces executed 55 Democratic Revolutionary Council (CDR) rebels and suspected rebel sympathizers in the town of Mongo (Guera Province) without proper trial. In May, a seismic testing crew discovered 17 bodies in a stream bed west of Bebedjia (Logone Oriental Province). It was not determined if these were victims of government troops or "CODOS". In mid-June, "CODO" rebels pillaged two villages outside of Mongo and killed one farmer. In late July, government troops rounded up and killed approximately 60 civilians in the village of Ngalo (Moyen Chari), many of them suspected of complicity with the rebels. President Habre, reportedly outraged, ordered that the two troop commanders, ostensibly the instigators of the massacre, be executed in the same village. "CODO" rebels killed the subprefect of Baibokoum in August, possibly in retaliation for the Ngalo massacre. Also in August, presidential guards killed five men and one child in Dogoininga. Dissension between Libyan and GUNT forces in Faya Largeau during September resulted in well over 60 deaths with many wounded. In late October, "CODO" rebels attacked a group of nomadic herders outside of Beinamar (Logone Occidental) and killed about 80 people. In November, "CODOS" burned the cotton crop of the Canton of Tchagara (Logone Occidental) and mutilated the Canton chief by cutting off his ears.

Innocent victims also suffered as a result of FANT military operations against "CODO" rebels along the border with the Central African Republic (CAR). Chadian government troops reportedly invaded refugee camps in the CAR in late January, killing some 30 suspected rebels and sympathizers once they had taken them back into Chad. In anti-"CODO" operations in southern Moyen Chari, many civilians were killed by FANT troops in Maro subprefecture. The office of the United Nations High Commissioner for Refugees in the CAR reported that, as a result of these border operations, Chadians seeking refuge in the CAR increased by 25 percent in February and March. It was also reported that in December government troops entered northern Cameroon and attacked a group of Chadian refugees, injuring 35 or more persons.

CHAD

b. Disappearance

According to Amnesty International, in its 1985 report (covering 1984), most reported disappearances and extrajudicial executions took place during the operations in southern Chad, and many occurred in the fall of 1984 at the hands of government forces. In 1985, there were again reports of disappearances, attributable to both government and opposition forces, but the total number seems to have dropped from 1984. Many Chadians have fled to neighboring countries to escape the fighting and the drought (see 2d below).

There was a hostage-taking incident in February in which three American oil company employees were kidnapped by rebel commandos near Sarh (Moyen Chari). One of the hostages was almost immediately released; the other two were freed unharmed a few days later when government troops swept the rebel hideout. Another incident involving the abduction by rebels of two American oil company employees in southern Chad (Logone Oriental Province) occurred in late November. The hostages escaped unharmed in early December while government troops searching the area were engaged in combat with their rebel captors.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Many incidents of torture and degrading treatment reportedly occurred in 1985 in connection with the fighting. In the countryside, government forces have been accused of arson and of humiliation of persons thought to be sympathetic to rebel forces. There are occasional reports that rebels in southern Chad have maimed peasants who plant certain crops, primarily cotton, the most important source of revenue for the Government. One form of punishment is said to be the amputation of hands.

Chadian prisoners of war from the National Transitional Unity Government (GUNT) forces are known to be held in N'Djamena and in the provinces. These POW's, several hundred in number, are not known to be singled out for mistreatment. In some instances, they may fare better than other prisoners to the extent that the International Committee of the Red Cross (ICRC) is able to provide medical care and food for them. The ICRC has not been authorized access to the estimated 20 Libyan POW's being held by Chadian authorities nor to any political detainees.

d. Arbitrary Arrest, Detention, or Exile

In unoccupied Chad the judicial system and criminal code have evolved primarily from the body of law inherited from the former colonial power, France. In theory, this law incorporates safeguards against arbitrary arrest and specifies detainee rights, including the right to counsel and to be informed promptly of charges. However, in practice, civil strife over 20 years has severely disrupted the legal system, especially the operation of the courts. The Government and many opposing factions have felt few legal constraints in prosecuting military actions. De facto martial law remains in effect in a number of southern provinces and Islamic law reportedly is used exclusively in the Libyan-occupied North. In particular, there are no legal safeguards in either area for persons thought to be endangering the security of the State.

CHAD

Amnesty International has expressed concern in its 1985 report about the detention without trial of suspected opponents of the Government as well as similar detention without trial of political opponents of GUNT. The Government contends that detainees are not prisoners of conscience, but prisoners-of-war captured in combat or counterinsurgency operations. Few, if any, of them have been charged with treason or espionage before the judiciary.

Nevertheless, the Government released many political detainees in 1985, especially in the spring, for policy reasons, i.e., to encourage national reconciliation. About 450 persons were freed during a three month period starting in early March.

The Chadian Government continues to report that there are large-scale deportations of Chadians from the northern portion of the country to Libya for indoctrination, assimilation, forced labor, or military service in the Islamic Legion. The most well-known case of detention in the North was that of Acheikh ibn Oumar, leader of the Democratic Revolutionary Council (CDR), one of the factions previously aligned with ex-president Goukouni's GUNT forces. He was seized in November 1984 and imprisoned until his release in November 1985.

The International Labor Organization (ILO) has been critical of Chad in the past for the use of forced labor and in 1985 sent a delegation to consult with Chadian officials on several outdated labor laws which do not meet ILO norms, including the ILO's conventions on forced labor.

e. Denial of Fair Public Trial

Despite the civil war and Libyan occupation in the North, the Government since 1982 has been giving attention to rebuilding the judicial system in the more secure areas, notably in towns under government control. There are very few trained legal people in Chad, but the Government continued in 1985 when possible to appoint additional judges and investigating magistrates to handle regular civil and criminal cases. In February, the Council of Ministers established a special court of justice, inaugurated by the President in April, to try cases involving embezzlement of public funds and abuse of public office. Notwithstanding this progress, under the existing legal system the judiciary remains dependent on the chief executive.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Under Chadian law, homes may be searched only during the day and under authority of a warrant. In practice, however, there are many instances where this law has not been respected in the present civil strife. Private property has been seized and utilized as desired by soldiers, deserters, and bandits in all parts of Chad.

In Libyan-occupied northern Chad there reportedly have been forced resettlements of Chadians and forced marriages between Chadian women and Libyan soldiers/colonizers.

CHAD

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Temporary detention is a likely penalty for publishing or spreading information considered contrary to the Government's interests. The Government owns most media (radio stations, a mimeographed daily news bulletin, and the weekly UNIR magazine). Chadian journalists are employees of the Government and practice self-censorship. Chadian law enforcement officials are known to "discourage" Chadians from listening to Radio Bardai, the rebel radio station in the North, which is actually located in Libya. Private groups (religious and otherwise) publish nonpolitical information freely, and ideologically hostile foreign magazines and newspapers are sometimes on sale in the capital. Since late July, however, the distribution and sale of the Paris-based journal Afrique-Asie has been banned because of its persistent criticism of the Chadian Government. This is the first instance of an outright government ban since 1982. In 1985, the Government instituted the censorship of video cassettes, along with the control and licensing of video clubs and their commercial outlets.

Freedoms of speech, press, and assembly are tightly controlled in the Libyan-occupied North where the use of French, one of the two official languages of Chad, has been largely proscribed.

b. Freedom of Peaceful Assembly and Association

In government-controlled Chad, there is no forced membership in any political organization. However, voluntary membership is legally limited to the various components of the sole authorized movement, the National Union for Independence and Revolution (UNIR), which has endeavored throughout 1985 to strengthen and extend its organization.

Chad's labor laws have provisions for freedom of association for workers, for confederation of unions, and for the right to bargain collectively. The right to strike exists only after arbitration at three levels and two ministries (Labor and Justice) fails. There are two labor union confederations in Chad, both of which are only marginally effective and in large part controlled by the Government. These unions are too weak and the economy too undeveloped for organized labor to be a significant political force.

In Libyan-occupied northern Chad, the free assembly of indigenous Chadians is severely limited, but details are lacking.

c. Freedom of Religion

Government-controlled Chad professes to be a secular state. Islam, Christianity, and other religions are freely practiced, despite historical pressures favoring Islam in much of the country. Both Islamic and Christian holidays are official government holidays. More than 50 percent of the population is Muslim. In the South, Christian missionaries are occasionally accused of sympathizing with "CODO" insurgents, but this suspicion is fading, and missionaries continue to enter the country, proselytize, and provide assistance to local populations. There is no evidence that being a non-Muslim subjects one to government disfavor.

CHAD

In Libyan-occupied northern Chad, only the Muslim religion may be practiced openly.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Travel in Chad continues to be circumscribed by the presence of hostile forces north of the 16th parallel and persistent areas of instability in the South. There are few places, in fact, where there is no possibility of encounters with official or quasi-official roadblocks, highwaymen, or opposition forces. Because of the recent severe drought and persisting civil strife, thousands of Chadians have fled to neighboring countries, most notably some 100,000 to Sudan and 50,000 to the Central African Republic. Although the agricultural situation improved in 1985, large numbers of these displaced persons were reluctant to return to conditions of possible deprivation, physical injury, and worse. The Government encourages the return of these displaced populations, except to Libyan-occupied northern Chad. The prefects of the eastern and southern provinces of Ouaddai and Moyen Chari are working with relief agencies to establish assistance programs to promote the repatriation of these persons under secure and manageable conditions. Expatriates in Chad are prevented from traveling in certain regions of the South because of insecure conditions. Units from relief organizations require military escort in some areas.

International travel is permitted. Chadians may obtain regular passports for a fee of about \$45, provided they have been cleared by Chad's internal security services, a process which normally takes less than a week.

The movement of Chadians in the occupied north is reported to be tightly controlled and severely restricted.

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

The present political system does not allow for change of government by the people. Chad has been in a state of civil strife since 1965, with various factions, and as many as 11 different armies, contending for control of the country. France and Libya are the key outside powers involved in Chad. Their 1984 agreement for withdrawal of all foreign troops from the country was honored by France and Zaire but violated by Libya, whose troops continue to occupy northern Chad.

Since June 1982, Chad has been governed by President Hissain Habre, who heads a French-style Council of Ministers complemented by an appointed National Consultative Council (CNC) (protolegislature). Both councils are carefully balanced with a view toward ethnic and regional harmony. The source of President Habre's authority is the allegiance he commands from most of the armed forces, the security services, and the country's only authorized political movement, the National Union for Independence and Revolution (UNIR). The movement was created in 1984 as a means to increase Habre's base of support and to provide some political participation to the populace. UNIR's by-laws mandate the popular election of lower-level officials, but, as yet, no elections have been scheduled. At present, laws, decrees, and ordinances are proposed by the President and the Council of Ministers and "discussed" by the CNC prior to promulgation.

CHAD

In the occupied northern zone, Chadians must establish Libyan-style "People's Committees." The leadership of the rebel Transitional Government of National Unity (GUNT) is Chadian, headed by former president Goukouni Oueddei. The GUNT was initially made up of representatives of several political factions, such as the Democratic Revolutionary Council, but GUNT support was eroded in 1985 by disillusionment with Libyan control and by Habre's increasingly successful efforts at national reconciliation. The GUNT is supported by Col. Qadhafi and, in effect, serves as a front for the Libyan occupation of northern Chad.

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

Amnesty International expressed its concern in 1984 to the Chadian Government about the disappearance or extrajudicial execution of hundreds of people detained at the hands of the armed forces and about the detention without trial of suspected government opponents. On invitation, Amnesty International sent a three-man team to meet with government officials in March and April to discuss its list of detainees. Many of those listed were prisoners-of-war, and others could not be identified. Names of only two political detainees remained unresolved at the end of the visit, and the Government promised to investigate these cases and to respond systematically to further inquiries. The Amnesty International team did not travel to the South or to the occupied North. Some of Amnesty International's concerns, as expressed in its 1985 report, are also covered above in Section 1b and 1d. Freedom House rates Chad as "not free."

In April 1985, the Government accounted in detail for five Chadians whose fate had been queried by the Commission on Human Rights of the Archdiocese of St. Louis, Missouri.

As noted above, the Chadian Government permits the ICRC to visit many prisoners-of-war, but does not permit ICRC visits to political detainees. The Libyans do not permit ICRC visits to Chadian prisoners-of-war in the North, although the ICRC is continuing its efforts to negotiate with the GUNT for such visits.

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Chad's population of 5 million is growing at the high rate of 3.8 percent annually and its people continue to rank among the world's most underprivileged. The economy is largely subsistence agriculture and herding, with cotton and animal products the only significant exports. Per capita GNP is estimated to be less than \$80 per annum. After over 20 years of civil strife, Libyan/rebel occupation of the vast desert North, years of drought and increasing desertification, Chad's economic and social condition is precarious. Timely international disaster relief efforts, an encouraging rainy season, and reduced military action have combined in 1985 to improve conditions somewhat. Fully a third of the Government's budget goes to the military and most of the rest to pay the salaries of civil servants. Without a direct budget subsidy from France and other foreign assistance, the Government could not operate.

CHAD

According to World Bank data for 1985, life expectancy at birth is 44 years, and infant mortality is 140 per 1,000 live births. Only 30 percent of the population had access to safe drinking water in 1980, the last year for which reliable data are available. There are no more than 50 Chadian physicians in the entire country, complemented by about 70 foreign physicians affiliated with nongovernmental organizations. The typical Chadian consumed only about 75 percent of the recommended caloric requirement in 1977, a year considered good by current standards. Approximately 20 percent of the population is functionally literate. About one-third of the primary school age population is enrolled in school. Female primary school enrollment is 18 percent of all school age children versus 50 percent for males of the same age group.

The minimum age for employment of children is 14. Chad, however, is predominately a labor-intensive agrarian society, so exceptions abound. The current minimum wage is approximately \$22 per month. Nonagricultural work is limited to 40 hours per week with overtime to be paid for any excess. Agricultural work is limited to 2,400 hours a year. All workers must have at least 24 consecutive hours of rest each week, usually Sunday. Occupational health and safety are provided for by law and ministerial decree.

In the public domain, women are generally subordinate to men. Women contribute greatly to Chad's agricultural productivity in virtually all aspects of farming. They also engage in commerce ranging from simple market stalls to the ownership of some larger businesses. Women constituted 10 percent of the 1985 freshman class of Chad's national school for livestock extension agents. The titular members of agriculture cooperatives, however, still tend to be men. Some women serve voluntarily in the armed forces, although they are thus far excluded from officer training programs. In 1984, a Ministry of Social and Women's Affairs was created, headed by a woman minister, who is also one of the 15 members of the executive bureau of UNIR's central committee. UNIR also has an active women's organization. Many women and their children continue to be left without adequate means of support, with their husbands missing or dead in the civil strife, or away from home looking for work.

Economic and demographic data pertaining to Libyan-occupied northern Chad are not available. Reports indicate that sizable quantities of livestock have been taken to Libya from northern Chad without proper compensation to their Chadian owners, and that Libyans use food distribution to keep the local populations under control.

U.S. OVERSEAS - LOANS AND GRANTS - OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S. FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: CHAD

	1983	1984	1985	
I. ECON. ASSIST.-TOTAL...	5.3	16.0	35.4	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	5.3	16.0	35.4	
A. AID	2.0	11.0	15.5	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	2.0	11.0	15.5	
(SEC. SUPP. ASSIST.)...	0.0	3.0	5.0	
B. FOOD FOR PEACE.....	3.3	5.0	19.9	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	3.3	5.0	19.9	
TITLE I-TOTAL.....	0.0	0.0	0.0	
REPAY. IN \$-LOANS.....	0.0	0.0	0.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	3.3	5.0	19.9	
E. RELIEF. EC. DEV & WFP.	1.9	3.8	13.6	
VOL. RELIEF AGENCY.....	1.4	1.2	6.3	
C. OTHER ECON. ASSIST...	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
PEACE CORPS.....	0.0	0.0	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II. MIL. ASSIST.-TOTAL...	0.0	2.2	5.2	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	2.2	5.2	
A. MAP GRANTS.....	0.0	2.0	5.0	
B. CREDIT FINANCING....	0.0	0.0	0.0	
C. INTL MIL. ED. TRNG....	0.0	0.2	0.2	
D. TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E. OTHER GRANTS.....	0.0	0.0	0.0	
III. TOTAL ECON. & MIL...	5.3	18.2	40.6	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	5.3	18.2	40.6	
OTHER US LOANS.....	0.0	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	0.0	0.0	
ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	1946-85
TOTAL.....	4.5	5.2	6.2	286.8
IBRD	0.0	0.0	0.0	0.0
IFC	0.0	0.0	0.0	0.0
IDA	0.0	0.0	0.0	80.4
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	49.1
UNDP	4.5	5.2	0.0	34.7
OTHER-UN	0.0	0.0	6.2	15.8
EEC	0.0	0.0	0.0	106.8

COMOROS

The Comoros unilaterally declared its independence from France in 1975. The first president, Ahmed Abdallah Abderemane, was overthrown almost immediately but regained power in 1978 when mercenaries ousted the increasingly repressive and xenophobic "socialist" regime of Ali Soilih. Abdallah was reelected in 1984, in an election boycotted by the opposition. In recent years, including 1985, constitutional amendments have strengthened the President's position, notably by giving him the right to appoint the governors and by establishing a single legal political instrument, the United Progress Party. A March coup attempt by some two dozen Comoran soldiers resulted in their arrest and that of a number of civilians identified with the communist-dominated Democratic Front.

Comoran security forces consist of the Presidential Guard, the strongest military unit in the country, the Gendarmerie, and the Army. The Presidential Guard is led and trained by a mercenary force, which, in the aftermath of the March coup plot, is being expanded. French technical assistance is provided to the small Comoran Army and the Gendarmerie.

Agriculture dominates economic activity, but with a population of 450,000, likely to double by the year 2000, the Comoros are fully utilizing their arable land. Farming on small landholdings, subsistence fishing, and petty commerce provide a livelihood for most of the population. Revenues from the export of copra, vanilla, essence of ylang-ylang, and cloves offset only a part of the cost of necessary imports. There are few industries, inadequate port facilities, and limited highway and communications infrastructure. The Comoros are part of the Francophone Africa Monetary Zone. Government expenses far exceed revenues, and the country depends heavily on France for budgetary support and technical assistance.

The human rights situation in the Comoros in 1985 was affected by the March coup attempt and other alleged plots against the Government. The authorities reportedly subjected many of the 200 persons arrested in March to cruel treatment, including beatings, and kept 80 alleged participants in isolation for long periods before trial. At the same time, the trial process, while criticized as too extended, seemed generally fair to outside observers and ended with the conviction of 77 persons (18 of whom were pardoned in December, 1985).

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There were no confirmed reports of political killings in 1985. However, there were allegations that as many as four individuals, accused of complicity in the March coup plot, may have died during initial interrogation by the security forces.

b. Disappearance

There were no reports of disappearance in 1985.

COMOROS

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The March 1985 attempt to assassinate the mercenary officers in the Presidential Guard, as well as certain senior members of the Abdallah regime, led to the arrest of about 200 military and civilian personnel and to the extended detention of about 80 persons. Unconfirmed but credible reports indicated that members of the "Democratic Front" were initially subjected to degrading treatment, including beatings and electric shocks, to extract information implicating other alleged party members in the coup attempt.

Except for the treatment given the alleged coup conspirators, penal discipline is generally lax; prisoners are usually released daily for prayers, and work and families provide their meals.

d. Arbitrary Arrest, Detention, or Exile

There is no concept of habeas corpus in the Comoros. However, detainees do have the right to a judicial hearing on the legality of their detention. The 80 persons held without bail for 8 months were confined in isolation to a military camp under rudimentary conditions awaiting trial in November. About 200 persons in total were arrested following the March coup plot, but most were subsequently released. In addition, there were several others detained during 1985 and charged with plotting the armed overthrow of the Government, including the arrest of some 20 persons, mostly military, in November and December. However, except for these 20 persons, all were subsequently released without trial. Eight individuals associated with the Ali Soilih regime, who had been convicted in 1980, were pardoned in 1985.

There is no evidence of forced or compulsory labor.

e. Denial of Fair Public Trial

The 1978 Constitution provides for the equality of all citizens before the law and the right of all accused to a defense counsel. The judiciary is independent and trials are public. The Comoran legal system mixes Islamic law with an inherited French legal code. A new consolidated code is slowly being drafted. Most disputes are settled by village elders or by a civil court of first instance.

President Abdallah ordered the establishment of a special court of appointed members to try the alleged coup conspirators, based on a 1960 decree as amended in October 1985. Human rights observers protested the lengthy procedural delays but were impressed by the tenor of the trial process itself, which ended in November with the conviction of 77 of the 78 defendants. Sentences ranged from 10 months to life imprisonment. President Abdallah subsequently pardoned 18 of the 77 convicted.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the inviolability of home and property and this is respected in practice.

COMOROS

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Although the Constitution guarantees freedom of expression, thought, and conscience, the only local news medium is the government-controlled radio station, which is self-censoring and features progovernment coverage of domestic events. No independent local news publications exist. In 1985, clandestine tracts critical of the regime increased in number and sharpened their attacks and prompted several arrests and the confiscation of printing equipment. A monthly newspaper begun in 1985 features government views on local developments. Foreign journals and newspapers are available, as are books from abroad. Comorans discuss and criticize their government and its leading personalities in private.

b. Freedom of Peaceful Assembly and Association

The Constitution states that freedom of association and freedom to form unions are guaranteed, as well as the right to strike. In practice these rights are partially circumscribed. Since 1982, the only legal political activity is that which takes place under the auspices of the United Progress Party, although in practice social conventions such as the traditional lavish, extended Comoran weddings serve as vehicles for intense political activity. Anniversaries of the death of former political figures and funerals of prominent Comorans also sometimes carry overt political overtones. A September commemoration of the 1975 death of one of President Abdallah's political opponents attracted a large attendance.

Although the right to strike is guaranteed and trade unions are legal, the wage labor force is small and no trade unions exist. The increasing scarcity of jobs is also a restraint on labor complaints, and the Government's inability to pay wages and salaries on schedule sometimes results in work slowdowns, increased absenteeism, and informal peaceful protests to Comoran authorities.

c. Freedom of Religion

An overwhelming majority of the population is Muslim. The Constitution holds Islam to be the "wellspring of the principles and rules which guide the state and its institutions." However, the Government upholds non-Muslims' right to practice their faith. There are churches for the diminutive Protestant and Catholic populations. Christian missionaries work in local hospitals and schools, but they are not allowed to proselytize.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Movement in and out of and within the Comoros for citizens and foreigners is not restricted. A Comoran community abroad, concentrated in France, opposes the Government, but in 1985 there was no evidence that those returning to the Comoros were subjected to government reprisals.

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

A 28-month long xenophobic and increasingly irrational regime between 1975 and 1978 saw the destruction of all the country's

COMOROS

civil records, intermittent persecution of traditionally prominent families, and a violent assault on closely held traditional values. That experience caused many Comorans to fear radical change. The restoration in 1978 of President Abdallah, who represents a combination of traditional power broker politics and a commitment to moderately paced change, ended that phase.

Standing unopposed when the opposition boycotted the election, President Abdallah was overwhelmingly reelected with 99 percent of the vote in September 1984. A French-based opponent was reportedly denied listing on the ballot on technical grounds. The vote total may have been partially inflated by questionable electoral practices. In 1985, Abdallah faced growing opposition exemplified by the March coup attempt. Many of the leaders of the illegal Democratic Alliance, the major opposition political force to Abdallah, remain in detention. Abdallah has had to rely heavily on mercenary support and the personal loyalty of the Presidential Guard. His position is buttressed both by tradition and by his own personal wealth.

Abdallah consolidated ministerial portfolios into four "super Ministries" in January 1985 and in September replaced the leading "notables" in the Cabinet with "technicians," citing the notables' "disloyalty" as reason for the change. Those who were replaced have subsequently undertaken a "constitutional" effort to depose Abdallah. The 38-member Comoran National Assembly supported the President's various initiatives throughout 1985.

The Comoros historically represent the southernmost extension of Arab influence on the Indian Ocean littoral. The constitutional deference to Islam formalizes the deeply held commitment of most Comorans to an Islamic world view. The Comoros Government claims the island of Mayotte as part of the country. A referendum on the status of Mayotte, scheduled for 1984, was postponed by the French Government. No new date has been set. In 1977, 96 percent of the voters in Mayotte opted in favor of retaining ties to France. The Comoran Government has alleged electoral coercion of Mayotte and has pressed France to acknowledge Comoran sovereignty without a plebiscite.

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

The March coup prompted a visit by several international human rights groups who were critical of the extended detention of alleged coup plotters without legal action. However, they generally considered the trial process to have been fairly conducted. Their attempts to verify reports of beatings of alleged coup plotters were circumscribed by the Government. Amnesty International did not include the Comoros in its 1985 Report (covering 1984). Freedom House rated the Comoros "partly free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Economic prospects for the Comoros remain dim. The population of 450,000 is growing at rate of 2.9 percent per year. All arable land is already under cultivation; erosion and deforestation have reached devastating proportions. There are no evident prospects for industrialization. Markets for the

COMOROS

Comoros' tropical cash crops are fragile and dwindling. The per capita GNP of \$339 (1982) may decrease further as exports decline and the population grows.

Thus far, an abundance of tropical fruits and fish has kept serious malnutrition at bay. In 1977, calorie levels met 89 percent of minimum needs, but child malnutrition is growing. Major food commodities such as rice must be imported. The need for long-term international help in the form of food aid and technical assistance for crop diversification appears unavoidable. Combined with rising unemployment for Comoran youth and very limited prospects for growth in the industrial or service sectors, the Comoros faces intensifying unemployment and continued severe fiscal and balance of payments crises. A steadily deteriorating health situation, aggravated by endemic malaria, exacerbates Comorans' difficulties.

Young children are employed in household chores but not in the public or commercial sectors; the absence of a minimum age law for employment does not in practice encourage child labor abuse because jobs for adolescents and young adults are scarce and wages for workers of all ages are very low. There is little industrialization or factory activity. There are regulations on occupational safety and health, but in the absence of any significant industrial sector they are not being enforced. There is a minimum wage for government employees. Hours of work in any category rarely exceed 35 hours per week.

Within Comoran society, men have the dominant role. The society respects authority based on inheritance, age, and wealth or religious leadership. At traditional ceremonies and social gatherings, the sexes are separated. However, women are neither veiled nor limited to minor civil service jobs. The Constitution guarantees the equality of citizens regardless of race, sex, or religion. Suffrage is universal, although the opinions of husbands and fathers exercise a formidable influence over women's voting habits. Women have the right to participate in the political process, but tradition has thus far discouraged the exercise of that right.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: COMOROS

	1983	1984	1985
I.ECON. ASSIST.-TOTAL...	0.4	1.6	0.6
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.4	1.6	0.6
A.AID	0.0	0.8	0.4
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.8	0.4
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.4	0.8	0.2
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.4	0.8	0.2
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN \$-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.4	0.8	0.2
E.RELIEF.EC.DEV & WFP.	0.4	0.8	0.2
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING.....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG.....	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	0.4	1.6	0.6
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.4	1.6	0.6
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1983	1984	1985	1946-85
TOTAL.....	2.3	8.3	5.4	85.9
IBRD	0.0	0.0	0.0	0.0
IFC	0.0	0.0	0.0	0.0
IDA	2.3	7.8	0.0	32.8
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFOB	0.0	0.0	5.4	42.6
UNDP	0.0	0.3	0.0	10.0
OTHER-UN	0.0	0.2	0.0	0.5
EEC	0.0	0.0	0.0	0.0

CONGO

The People's Republic of the Congo is officially a Marxist-Leninist state and is governed by an elite group of party, cabinet, and military officials through the single legal party, the Congolese Labor Party (PCT). The president of the party, currently Colonel Denis Sassou-Nguesso, serves as President of the Republic and Chief of State. The President nominates the 13-member political bureau, the key policy-making group, which is approved by the 75-member central committee. Within the central committee, members from the northern regions of the country are in the majority and hold the balance of power, even though they represent a minority of the population. The military and security services are also firmly under the control of the northerners, and they ultimately hold the key to power in the Congo. The need to maintain consensus among the political leaders representing traditionally conflicting areas provides a check on arbitrary policies.

The security apparatus, which is under the direction of the presidency, is headed by the state security organization (DSGE) and is patterned after those in Eastern Europe. Its principal objective is to protect the State, i.e., to watch for any possible political dissident activity. There are also party core groups in all ministries, labor organizations, mass organizations, and urban areas (arrondissements) which monitor activities of coworkers and neighbors. In addition to the DSGE, there are the regular police forces whose discipline is generally improving with continuing Eastern European and Cuban training.

With its small population (1.8 million) and relatively high per capita income (about \$1,230), the Congo is one of Africa's more prosperous countries. The economy is based predominantly on petroleum, which accounts for about 90 percent of export earnings. Beginning in 1979, the Congo experienced a period of high economic growth and began the implementation of a five year plan (starting in 1982) with heavy investment in infrastructure. With the decline in oil prices, and the lack of any significant increase in other sectors, notably forestry and sugar, the debt burden has climbed to over 50 percent of the gross national product (GNP), and the Congo is entering a period of austerity.

The human rights situation in the Congo changed little in 1985. No organized opposition to the Government is permitted. In November, the Congo experienced the first open unrest since President Sassou took power. High school students rioted in Brazzaville to protest a new government policy on college scholarships. The military put down the rioting, killing four students and severely wounding at least seven. The DSGE has been criticized by Amnesty International for use of torture. While not politically free, the Congolese go about their daily lives with a minimum of government or police interference. Terrorism is not a problem and the crime rate is relatively low. Contacts between Congolese and foreigners are possible, and the Congolese, while refraining from direct political criticism of the Government, discuss frankly economic and social problems. The right to own private property is respected. There is a tendency toward a more open society with expanded contacts with the West.

CONGO

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

During 1985, there were no reported cases of killing for political motives.

b. Disappearance

During 1985, there were no reported cases of disappearance.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The practice of beating suspects at police stations and the state security offices in the course of interrogations is not uncommon. Neither is it uncommon for the public or the police to beat thieves caught redhanded. There was one reported case recently of a thief being beaten and then dying from having a hot iron applied to his genitals. Such extreme measures, however, are not common.

Instances of torture of political prisoners, who are held incommunicado, have been reported and usually involve electroshock and suspension by ropes from the ceiling accompanied by beating. These reports are considered reliable. Use of such methods is usually restricted to those accused of crimes against the State. (See 1e below)

Prison conditions in general are poor, and there is a lack of adequate food, hygiene, and medical care.

d. Arbitrary Arrest, Detention, or Exile

Whereas the Constitution guarantees protection against arbitrary indictment, arrest, and detention, in practice a warrant is not required to make arrests. There is a habeas corpus provision, but it does not apply in cases involving the security of the State. Individuals detained for nonpolitical offenses are entitled to an attorney and are judged by a generally impartial judiciary. Given the slow pace of administrative processing, despite the Government's steps to increase the number of magistrates and to improve the processing of cases, persons awaiting trial are often detained for considerable periods. There is no independent bar association. All lawyers are under the general authority of the Government (procureur general). In criminal cases, lawyers are provided by the Government for those who do not have money to pay for their own defense.

The charging of a detainee usually depends upon the seriousness of the crime and the economic situation of the family. For lesser crimes, the person is usually taken to jail, where he may be beaten, and is then held for a few days until he obtains his release on bail or on his own recognizance pending a trial, which may or may not ever take place. An individual accused of a serious crime (murder, rape, etc.) is held in prison until the trial which may be months or even years later. At the time of trial, the defendant has the right to a lawyer. Both detainees and prisoners may be visited by family or friends who bear the responsibility of providing food, medicines, etc.

CONGO

There is no known forced labor in the Congo.

e. Denial of Fair Public Trial

The Constitution provides for a Supreme Court which is in practice an arm of the Executive rather than an independent body. By law, the right to a fair and public trial exists in all cases, but some detainees have been held for long periods without trial. The legal system is not insulated from political interference. However, it is not uncommon to have a higher court reverse the verdict in the event of irregularities.

The amended Constitution provides for nonprofessional judges to be elected to all courts below the Supreme Court. The stated purpose of this change was to "popularize justice," i.e., provide a role for tribal or regional peers to influence the formal judicial process. According to the law, any Congolese citizen may now become a judge but can adjudicate cases only in collaboration with trained judges. Each nomination must be approved by the party. Within the constraints noted above, the judicial process is relatively fair and open for those accused of common crime.

According to the Congolese Government, there are no political prisoners in the Congo. The persons cited by Amnesty International as political prisoners being held incommunicado were allegedly associated with two acts of terrorism (bombings) in mid-1983. They have never been brought to trial. There is one known French political prisoner, also allegedly associated with the bombings, being held incommunicado at his home. The only known purely political prisoner is Thystere Tchicaya, the former number two figure in the party, reportedly arrested for his opposition to President Sassou. He is believed to be under house arrest and is not permitted any contact with the outside world.

Political prisoners are held incommunicado, and it is reasonable to assume that torture has been used to extract any information desired by the police that is not freely given. However, it should be noted that political prisoners held incommunicado in the past have since been liberated and are now leading normal lives with no apparent ill effects. Some have even managed to regain their earlier status and are serving as government ministers.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There is little interference by the Government with privacy, family, home, or correspondence. Individuals are not forced to participate in the party or its organs. In general, so long as the individual does not engage in any activity in opposition to the Government, he is not oppressed or harassed.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Freedom of speech and press are restricted, despite guarantees in the Constitution. The State owns and controls the media (except for one weekly religious newspaper). The Government allows some domestic criticism of policies and programs judged not to be politically sensitive, but it does not allow its ultimate authority to be challenged. Journalists may raise

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issues and concerns only within general guidelines laid down by the party. The party is selective in the kinds of news and information it permits Congolese journalists to publish from various outside sources of information. Television viewers have access to Zairian media programs. While the Government controls the local press, foreign journalists are permitted to move freely about the country. The state censorship board reviews the content of newspapers, movies, books, and records. Publications are subject to censorship if they contain critical articles. For example, one issue of a church newspaper was seized and burned as a result of some mild criticism of the Third Party Congress, and a warning to the church was later published in the party's official organ.

b. Freedom of Peaceful Assembly and Association

The right to peaceful assembly is limited by the State's perceived self-interest. Political meetings are permitted for only the party and its organizations. Government permission is not required for groups to assemble for religious and social purposes but is required for use of official facilities. Government authorization is needed to start a formal club or organization.

Given its past active political role, the labor movement is closely scrutinized and controlled by the Government and party. The labor code adopted in March 1975 is quite liberal, if taken at face value. The right of association is guaranteed, though there is only one umbrella union, the Congolese Trade Union Confederation (CTUC), which is an appendage of the party. The party approves the national leadership of the CTUC. It is prohibited from striking, although wildcat strikes do occur with relative impunity. The Trade Union Confederation is represented in every ministry and state-owned enterprise and serves on mandatory boards which include a union representative along with a member of the administration and the party. Known as the "determinant trilogy," this structure is responsible for ensuring that the three major points of view are represented in the decisionmaking process and serves as the Congo's form of collective bargaining. The local unions within the Confederation have been able to persuade the Government to provide workers with increased benefits. So long as political subjects are avoided, there is a certain degree of democratic give and take. However, no group is allowed to form an independent, alternative union outside the party, which led to a complaint to the International Labor Organization (ILO) that the Congo was not observing the Convention on Freedom of Association (no. 87). The Confederation maintains relations with recognized international organizations such as the ILO.

c. Freedom of Religion

In theory, freedom of religion is guaranteed by law. In practice, party members are prohibited from practicing any religion. Religious organizations (churches, the Salvation Army, etc.) must obtain the Government's permission to work in the Congo. Jehovah's Witnesses, for example, are not permitted in the Congo, allegedly because Witnesses do not recognize the authority of the State. With the aforementioned exceptions, the party does not normally interfere in religious affairs. The Catholic Church, the largest congregation, maintains a seminary for the training of its clergy and has missions all over the country. Masses are held in the various local

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languages as well as in French. The Catholic Church publishes the only independent newspaper, La Semaine Africaine. Catholic and other missionaries are active in running private missions and clinics and providing other social services for the handicapped, etc. While some of these services are joint ventures between church and government, many of the former services provided by churches have been abolished, and the Government is officially atheist. Christmas Day is called Children's Day.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government exercises limited control over the internal movement of its citizens through identification card checks. There are control points in Brazzaville manned by soldiers who occasionally open fire on people who fail to follow their instructions or who inadvertently drive into restricted zones at night. Congolese citizens who wish to travel abroad require exit authorization from the Office of State Security. For average citizens this is a fairly routine process. However, those who are suspected of traveling for political motives encounter some difficulty. Government employees traveling abroad must obtain permission from the appropriate government office. Passports must be returned to the Office of State Security after the traveler's return from abroad.

The Government exercises tight control over travel by foreigners to the Congo. Most visas are for one entry only, exit visas are required, and those desiring to travel into the interior must obtain permission from the appropriate ministry. There have been no known instances of Congolese being refused the right to return to their country. Citizenship may be lost under conditions established in the nationality code. For example, citizenship may be lost by taking citizenship in another country or because of a conviction for espionage. There are no known cases of a native-born Congolese being denied citizenship as a punishment.

The Congo is the home of about 1,200 exiles and refugees, mostly from surrounding Central African states. While refugees are subject to surveillance and occasional harassment by the Congolese Government, there were no cases of forcible repatriation in 1985. The Congo is a signatory of the U.N. Convention and Protocol Relating to the Status of Refugees, and a representative of the United Nations High Commissioner for Refugees is resident in Brazzaville.

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

The Congo is governed by an elite group of party and cabinet officials. The center of power is the 13-man political bureau, chosen by the President but approved by the 75 member central committee. While the President is the most powerful single individual, his authority is limited by his need to maintain a consensus in the political bureau. The balance of power in the political bureau and in the central committee is held by northerners to the detriment of the far more numerous southerners. Military officers occupy key positions among the ruling group and help ensure its continuation in power. The Congolese people do not have the right to change their government through democratic processes. Opportunities for political involvement by Congolese citizens are limited to the

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Marxist-Leninist Congolese Labor Party, including the national, regional, and local assemblies and the "mass" organizations. No other political parties are permitted to operate. Party membership, which presently numbers approximately 8,700 out of a total population of 1.92 million is highly controlled on the basis of loyalty and political performance.

While the Third Party Congress in 1984 declared the National Assembly the supreme organ of state, the national, regional, and local assemblies are "elected" from single-party approved lists. Representatives of the National Assembly are chosen from all walks of life, including traditional leaders, peasants, and workers. The Assembly has some impact on social and economic issues, and assemblies at the local and regional levels may discuss issues before the decisions are made at the national level.

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

There are no human rights organizations in the Congo. Amnesty International in its 1985 report was concerned about the long-term detention without trial and torture of political prisoners. Freedom House rated the Congo "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The population of 1.8 million is growing at the rate of 3.1 percent per annum. Per capita GNP is high for Africa, about \$1,230, and due mainly to oil production. There is a marked disparity between urban and rural standards of living which results in heavy migration from the countryside. It is estimated that the average per capita GNP of rural Congolese is less than one-twelfth that of their urban counterparts. The Congo has a mixed economic system, with approximately 80 percent of the economy in the hands of the private sector--predominantly foreign-owned and -operated.

Improvements in health and nutrition have resulted in an increase in the average life expectancy to over 63 years. The infant mortality rate (1985) is 110 per 1,000 live births. The fertility of the soil, abundance of indigenous fruits, vegetables, and fish, and the reliability of water sources around the country have all fostered a naturally hospitable environment for the sparse population. Safe water is available in urban areas for about 46 percent of the population, compared to only 8 percent in the countryside. The Congolese diet generally meets caloric intake requirements, but protein intake is generally insufficient. Adequate health care remains spotty in urban areas and is almost nonexistent in rural areas.

The Congolese have tried to maintain the educational system left to them by the French, and have a historically high literacy rate (variously estimated at between 50 and 80 percent of the adult population). The emphasis on education is heavy, and many children who do not finish school return as adults to continue their studies. The current number enrolled in primary school as a percentage of age group is not available, but as early as 1965 was 114 percent (male 134 percent, female 94 percent). The percentage of students in secondary education has jumped from 10 percent in 1965 to 69 percent in 1982. Urban migration, however, has resulted in serious overcrowding of facilities and a loss in the quality of teaching. The Congo

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sends large numbers of students abroad, predominantly to Cuba and Eastern Europe due to the availability of scholarships.

Working conditions for Congolese are generally good. These include a minimum working age of 16 (in the modern sector), a maximum 40-hour workweek, at least one day of rest per week, family benefits and medical aid, but no social security and a minimum hourly wage of 34 cents for city employees and 29 cents for agricultural workers. Domestic workers must be paid at least \$60 monthly. There is a code of occupational safety and health, though it is probably honored only in the breach. Revenues from taxation and royalties on oil production allow the Government to hire large numbers of Congolese for various government organs or state corporation administrations. Consequently, compared to other Africans, many Congolese have a generally high standard of working conditions and social benefits.

Under the Constitution, women have the same rights as men in the private, political, and social domains, and for equal work they are entitled to the same social benefits. There is a large disparity in practice, however, between salaries for men and women, and women are relegated to a secondary role in the modern sectors of society. In traditional society, women are still the chief decisionmakers. Five women are members of the central committee, and one is Minister of Basic Education and Literacy, the only woman in the 27-member cabinet.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: CONGO, REP. OF

	1983	1984	1985
I.ECON. ASSIST.-TOTAL...	1.0	1.0	1.4
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.0	1.0	1.4
A.AID	1.0	1.0	1.2
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.0	1.0	1.2
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	0.0	0.2
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.2
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN \$-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.2
E.RELIEF,EC.DEV & WFP.	0.0	0.0	0.2
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.1	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING...	0.0	0.0	0.0
C.INTL MIL.ED.TRNG...	0.1	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	1.1	1.0	1.4
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.1	1.0	1.4
OTHER US LOANS.....	0.0	33.8	0.0
EX-IM BANK LOANS.....	0.0	33.8	0.0
ALL OTHER.....	0.0	0.0	0.0
ASSISTANCE FROM INTERNATIONAL AGENCIES			
	1983	1984	1985
TOTAL.....	36.2	7.3	2.3
IBRD.....	35.7	0.0	0.0
IFC.....	0.0	1.5	0.0
IDA.....	0.0	0.0	0.0
IDB.....	0.0	0.0	0.0
ADB.....	0.0	0.0	0.0
AFDB.....	0.0	0.0	2.3
UNDP.....	0.2	1.8	0.0
OTHER-UN.....	0.3	0.0	0.0
EEC.....	0.0	4.0	0.0
			83.6

DJIBOUTI

Djibouti, a small resource-poor nation located at the southern end of the Red Sea, is a constitutional republic with a one-party system which has been led by President Hassan Gouled Aptidon since independence from France in 1977. By an unwritten arrangement, the President is a member of the politically dominant ethnic Somalis (Issa) while the Prime Minister is from the substantial minority Afar. There is also a sizable Arab community, mainly Yemenis, who have a prominent role in commerce. Cabinet positions are divided among the two dominant groups, but in reality the Issas control the civil service and the armed forces. Djibouti has a 65-member elected National Assembly. Since 1981, as part of the political balancing act, there is a single political party, the Rassemblement Populaire Pour Le Progres (RPP). An opposition party, the Mouvement Populaire De Liberation (MPL), was outlawed in 1981, following community violence.

Djibouti's armed forces consist of a small army supplemented by a smaller navy and air wing. Located between two relatively giant neighbors on the Horn--both of whom have tribal affinities and potential irredentist claims--Djibouti has a vital, additional layer of security in a 1977 mutual defense agreement with France which ensures the continued presence of 5,000 French troops.

Djibouti's economy rests on the activities of a large foreign expatriate community, the maritime and commercial activities of the Port of Djibouti, the airport, and the operation of the Addis Ababa-Djibouti Railroad. Recent economic stagnation has been compounded by the influx since the Ogaden War (1977-79) with Ethiopia of refugees, economic migrants, and victims of drought and famine, especially from Ethiopia. These large movements of peoples clearly have placed a heavy burden on the Djiboutian economy, notwithstanding the assistance of the United Nations High Commissioner for Refugees (UNHCR) and other relief agencies. In addition to approximately 16,000 registered refugees, there are unknown numbers (estimates run from 20,000 to 60,000) of illegal immigrants eking out an existence on the margins of the Djiboutian economy.

There was little change in the human rights situation in Djibouti in 1985, although of the 18 alleged members of the MPL arrested on returning to Djibouti from Ethiopia in December 1984, all were released in 1985. Despite one-party rule, the openness of the society creates an atmosphere in which most citizens feel free to pursue their livelihood without fear of government interference. Free enterprise is encouraged in Djibouti's service-oriented economy, and the right of private property and freedom of movement are generally respected. The legal system is still in its formative stages. On any topic not yet covered by Djiboutian legislation, the Napoleonic code, a product of the French colonial period, and, to an extent, the Islamic Shari'a generally apply. Women play a secondary role in public life.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There are no known incidents of killing for apparent political motives since Djibouti became independent in 1977.

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b. Disappearance

There were no allegations of disappearance in 1985.

c. Torture and Cruel, Inhuman, and Degrading Treatment or Punishment

In the ethnically polarized environment of Djibouti, there are occasional allegations of cruel, inhuman, or degrading treatment or punishment. For example, Amnesty International's 1985 Report (covering 1984) mentioned one charge from 1983 and expressed concern over the alleged torture of nine persons suspected of belonging to the outlawed MPL. The nine had been detained in 1983 after returning from exile in Ethiopia. The Minister of Justice informed Amnesty International that the nine had been charged with offenses against state security, that normal judicial procedures had been followed, and that none of them had been tortured.

d. Arbitrary Arrest, Detention, or Exile

In November 1984, the Government announced the release of the nine Afar political prisoners. In December 1984, 18 more Afars were reportedly arrested for crossing the border from Ethiopia. These were allegedly former members of the MPL who were returning to Djibouti under the amnesty declared by the President. All were released in 1985.

The current system of justice is a mixture of French and Islamic law. This mixture results in a hybrid legal system, based partly on the French Penal Code and partly on Issa tribal common law. The principle of habeas corpus does not exist. However on March 19, 1985, the Government issued a new decree limiting detention of all persons to 48 hours. At such time, the individual must be charged by the examining magistrate. Moreover, the prisoner is entitled to legal counsel and must be so informed. Although bail and personal recognizance are provided for, a judge may choose to hold any prisoner, who is charged without bail. Prosecutors are required, and generally do, file charges in an expedient fashion. Prison conditions are minimally adequate. Family members and counsel are permitted access to prisoners, and public health and medical services supervise health conditions in a generally competent manner. There is no forced labor in Djibouti.

e. Denial of Fair Public Trial

Both the State Security Court, established to deal with crimes against the security of the state, and ordinary civil and criminal courts permit family members and counsel, though not the general public, to attend trials. The judiciary has remained largely independent of military and executive pressures.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Decree Law No. 8 of June 1980 states that government authorities "may not enter or remain in the domicile of a private individual without his consent and without a legal order," except, among other circumstances, when it is necessary to facilitate the prosecution of persons accused of crimes and when the public order is seriously disturbed. There are reports of noncompliance with this statute.

DJIBOUTI

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

All Djiboutian media are government-owned and support the Government and its policies. Radio/TV Djibouti claims to receive only limited guidance from senior political levels on handling news it presents to the public. There is occasional criticism of the shortcomings of local institutions, some associated with key political and religious figures, and of corrupt and inefficient practices in the bureaucracy, but not of the central Government itself. There are occasional confiscations of foreign publications which contain commentary critical of the Government. The media usually do not carry stories of violence, crime, or ethnic disturbances.

b. Freedom of Peaceful Assembly and Association

Public meetings require a permit which may be denied for security reasons. The Government permits free association outside the political realm, and there are several independent social, religious, cultural, and commercial organizations.

The right of labor to organize and strike exists, but only a small portion of the work force is unionized. Moreover, the Government has organized the single national labor federation, the Union Generale de Travailleurs Djiboutien (UGTD), and keeps it under its control, and through it, also controls the individual unions. Unions freely maintain relations with recognized international bodies in their fields. Temporary stoppages, usually protesting working conditions or dismissals, sometimes occur. Most large enterprises have affiliates of the UGTD. Employees are not required to join these unions.

c. Freedom of Religion

Over 96 percent of the population is Muslim, but freedom of religious practice, publication, and association with coreligionists outside the country is unfettered for all religions.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Djiboutians travel freely within and outside their country. Passports are generally freely available. There are no exchange controls. Djibouti has had a steady inflow of refugees, economic migrants, and famine victims in the past decade. As many as 40,000 displaced persons, mainly from Ethiopia, fled to Djibouti during the height (1977-79) of the armed conflict in the Ogaden region. Most of the refugees have received assistance from the international community in the refugee camps of Dikhil and Ali Sabieh. Several thousand more have spontaneously settled in the capital city. Refugees in the camps are restricted to them and are not able to move freely.

On November 21, 1984, Djibouti, Ethiopia and the United Nations High Commissioner for Refugees (UNHCR) decided to terminate as of December 31, 1984, the large scale repatriation program begun in 1983. Refugees wishing to return to Ethiopia after that date are processed case-by-case. According to the UNHCR, by December 1984 a total of 32,859 persons had been registered as repatriates from Djibouti of whom 14,281 had

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returned to Ethiopia in UNHCR organized rail moves, and 19,578 had returned on their own.

The Government has increasingly taken a firm stand in returning Ethiopians who do not qualify for refugee status. In August 1984, following a series of roundups, Djibouti deported several hundred persons to Ethiopia because, according to the Government, the deportees were illegal aliens whose presence had created tensions with native Djiboutians. Many of these tensions stem from ethnic difficulties involving Afar resentment at alleged discrimination in treatment of Afar versus Issa drought victims.

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

Djibouti is a one-party state whose leaders and candidates for Parliament are chosen by the leadership of the party, the Rassemblement Populaire pour le Progres (RPP). There is active competition within the party lists. The one-party system was instituted in 1981, and the Government subsequently detained leaders of the previous opposition party and dissidents allegedly attempting to encourage ethnic strife. Traditionally, the Djiboutian Government includes the ruling cabinet representatives of all the nation's important ethnic groups. However, some Afars complain that the country is run by and for the Issas, who dominate the Government, the armed forces, and the single party. Others complain that tribal and ethnic considerations inhibit appointment of competent administrators. While citizens are encouraged to become involved in politics and to vote, the party leadership, through a 14-member political bureau, carefully controls and directs all political activity and in 1982 selected the single slate of candidates for the National Assembly elections. There is no democratic or nonviolent means for citizens of Djibouti to change their Government.

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

On at least six occasions since independence, most recently in August 1984, there have been foreign press and other reports alleging human rights violations by the Government. The Government has generally responded to such charges either by permitting an investigation, as by the UNHCR and Amnesty International in 1981, or by denial as mentioned in 1c above. It expelled in December 1983 two members of an international fact-finding team sponsored by Cultural Survival, a nonprofit human rights organization, who were investigating reports of involuntary repatriation of refugees. Amnesty International, in its 1985 Report, expressed continuing concern about allegations of torture of detainees and the situation of Ethiopian refugees. Freedom House rated Djibouti "partly free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Djibouti is one of the world's poorest developing countries in terms of natural resources. Practically all commodities are imported. Its port is its primary asset along with an aging railway line to Addis Ababa. Djibouti's economy also depends heavily on a large French military and expatriate presence (over 10,000) and outside donor support, mainly from France and Saudi Arabia. Recently, the potential for a fishing

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industry has been identified as well as for geothermal resources. While statistical data is either unavailable or conjectural, the per capita gross national product is estimated at between \$310 and \$450 per annum. A 1980 French study estimated that 47 percent of the population earned less than \$130 annually. Almost one-third of the population lives a nomad's life of bare subsistence in the rural hinterlands of the republic. Djibouti's population is estimated at approximately 320,000 for a land surface of 9,000 square miles.

The level of unemployment has been high since independence in 1977. In 1980, the International Monetary Fund reported that over 50 percent of job seekers could not find work. In 1982, unemployment was estimated at 45 percent and underemployment at 33 percent of the work force. Since 1983, several factors have exacerbated this trend: the high growth rate (2.5 percent) of the population; the influx of refugees and displaced persons; and the decline in French assistance and spending.

The harsh, arid, blast furnace-like environment is a cause of low life expectancy in Djibouti. 1983 estimates put this figure at 48.1 years. Use of the khat plant is a very serious economic and social problem. According to a recent World Health Organization study, it is estimated that as many as 90 percent of the men and 10 percent of the women use this drug--which, produced in neighboring Ethiopia, is consumed legally in Djibouti. Although an important source of taxes for the Government, khat represents both a serious drain of foreign exchange reserves (an estimated \$15 million in 1985) and a drain on the regular users' disposable income (estimates run as high as 70 percent of monthly salary).

Water is a scarce commodity and of poor quality in most of the country. There are no surface water sources. The Government has made efforts to truck water to remote areas of the country. Latest estimates (1980) indicate that about 45 percent of the population receives safe water (50 percent in urban areas, 20 percent in rural areas).

According to a 1980 World Bank report, the adult literacy rate (in the French language) was 17 percent. Primary school enrollment for 1984-85 was approximately 21,300, an increase of some 320 percent since independence. The high school enrollment increased from 3,000 to 9,000 over this period. This increase, with a concomitant rise in the number and quality of educational facilities, reflects the priority the Djiboutian Government gives to education.

The country's nominal minimum wage is about \$100 per month, although very few local workers are paid at this rate. The minimum age for employment of children is 14 and the standard of a 40-hour workweek is observed. Employers normally contribute an amount equal to 18 percent of each employee's salary to the Government's generous pension and medical insurance programs. Retirement is normally at 80 percent of salary after 15 years of employment with a minimum age of 50.

Women in Djibouti enjoy a higher public status than in some other Islamic countries, but women's rights and family planning are not high priorities. Nomadic traditions involving female genital mutilation (particularly excision and infibulation) are quite prevalent in Djibouti. The President has recognized the key role of women in the small trade sector, and there is an active, local women's organization.

EQUATORIAL GUINEA

Equatorial Guinea is a former Spanish colony in Central West Africa, composed of a continental province, Rio Muni, and the island provinces of Bioko and Annobon. Under the Constitution of 1982, the President, Teodoro Obiang Mbasogo, has extensive powers, including naming and dismissing cabinet ministers and making decree laws. Since the overthrow in 1979 of the brutal 11-year Macias regime, civil order has been restored and the terror that characterized the former dictatorship has ended. Despite these important changes, the National Assembly, while theoretically the lawmaking branch of government, is in fact powerless to take any action not sanctioned by the President or his Council of Ministers. No political parties have yet been allowed to form. The present leadership is constrained by the necessity of operating within a consensus of top government and tribal leaders.

The previous Macias regime drove the once prosperous economy, based on cocoa, coffee, and wood, close to bankruptcy. The present Government has since been burdened with high deficits, persistent inflation, heavy debt service, and falling world prices for its products. Under these circumstances, the Government has focused on economic reform, and in 1985 it took two important steps. It entered the West African Franc Zone (CFA) on January 1, 1985; this move immediately ensured convertibility to the French franc and imposed much-needed financial discipline on the Government, including reduced opportunities for embezzlement. In July, the Government was able to reschedule its major foreign debts and enter into a standby agreement with the International Monetary Fund (IMF) after extensive negotiations.

The human rights situation in 1985 did not improve. While there were no reports of the kinds of crimes committed by the former regime (notably government-sanctioned kidnaping, torture, and murder), allegations continue of government officials abusing their authority for personal gain. Ordinary citizens are still harassed by the police and subjected to arbitrary arrest, and discrimination continues against minority groups and migrant workers. An important confrontation with Nigeria developed in 1985 over the issue of forced labor. Reportedly 500 Nigerian farm workers in Equatorial Guinea were stripped of their passports and forced to work on the country's cocoa plantations. The Nigerian Government sent four ships, including two gun boats, to repatriate the Nigerian workers. Approximately 48 Nigerians did return to Nigeria by boat but others remained, and it is still unclear if the Nigerians had in fact been forcibly detained.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

According to the Government, one political prisoner, sentenced to death in 1983 after being tried and found guilty for plotting to assassinate the President, officially remains in jail, but it is believed that he has died in prison. Confirmation of his status has not been possible. No information is available on the fate of 26 others tried on lesser charges in the 1983 coup attempt.

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b. Disappearance

There was one unconfirmed report of the arrest and possible disappearance of a military officer as a result of a disturbance in summer 1985 during a Presidential visit. With this exception, there were no reports of unexplained disappearance or abduction during 1985.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Police methods are harsh and often include beatings of prisoners, either to extract information or to punish offenders for insolence or disrespect. Reports abound of police harassment of people on trumped-up charges and the beating of those who refuse to pay bribes. These abuses are commonly believed to be officially ignored to give an underpaid and occasionally unpaid police force a means to supplement its income. Arbitrary beatings by police of politically powerless people, such as expatriate Nigerian and Cameroonian workers and certain indigenous groups like the Bubi, are believed to be common. Mistreatment of prisoners is officially condemned, but there seems little political will to end these abuses. Conditions in prisons are reported to be extremely poor.

In one incident, a Spanish citizen died while in custody prior to extradition to Spain. The Government claimed that he died of injuries after jumping from a moving vehicle enroute to the Malabo Airport. It was also alleged that this person was denied access to adequate medical treatment by the local authorities.

d. Arbitrary Arrest, Detention, or Exile

Despite a habeas corpus provision in the Constitution, there are no effective legal protections dealing with the right of a person in detention to be charged or released within a certain period of time, to be informed of charges, to have access to a lawyer, or to be freed on bail. The executive branch has been able to act without any fear of judicial interference.

Reports of incidents of arbitrary arrest are widespread, including reports from various expatriate groups in France, Spain, Cameroon, and Gabon. When arrested, the ordinary Guinean frequently finds that his options are to stay in jail or to pay the police to win his freedom. There are no known instances of any person being exiled in 1985.

As noted above, the issue of forced labor escalated to an international incident in 1985. While the situation is much improved since 1979, the Government still periodically rounds up "vagrants" and illegal aliens and puts them to work, often on plantations. The purpose of the law is allegedly to require citizens to choose between this forced work or returning to their villages and finding useful employment there. In the case of illegal aliens, the choice is between working in a particular work project or leaving the country. These roundups appear to be a means of obtaining free labor and are often linked to preparation for important national days or to the arrival of visiting dignitaries.

e. Denial of Fair Public Trial

The exact number of political prisoners is unknown but is believed to be small. The Government does not admit to holding

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any political prisoners. Amnesty International expressed concern in its 1984 report that the 26 persons tried for plotting to kill the President did not receive fair trials. The Government claims that all of these cases have been tried, with the majority of the accused having received sentences varying from 5 to 10 years.

It is not possible to know how frequently people are denied trials since the system forces many detainees to deal directly with the arresting authorities and to resort to bribes to gain their freedom. The current court system, which often uses local customary law, is a combination of traditional, civil, and military justice and operates in an ad hoc manner for lack of established procedures and experienced judicial personnel. Equatorial Guinea's few lawyers work for the Government and consequently are unable to challenge government and judicial actions effectively. Most trials are brief. In cases of petty theft or civil dispute, all parties are brought before a judge for trial. In civil and criminal cases, the judge often sets a fine instead of imprisonment. In political cases involving senior officials, exclusion from public office and exile to traditional villages are common means of punishment.

The Ministry of Justice has made little progress in establishing a legal system. There were no major court cases during 1985 which could serve to test the independence of the judicial system. There is a Supreme Court, but its role is unclear. At the higher levels, the courts appear to be competent, professional, and honest, but courts at this level frequently do not get the opportunity to act because they are preempted by action of the executive branch.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There are reports of arbitrary interference with privacy and the home. Many people believe that telephone conversations, but not correspondence, are routinely monitored. Search warrants are not often used, even though prescribed in the Constitution. The politically powerless often appear to be at the mercy of arbitrary police practices.

Section 2 Respect for Civil Rights, including:

a. Freedom of Speech and Press

Citizens dare not utter public dissent on political or economic matters, but criticism is frequently heard in private conversations. What few media exist in Equatorial Guinea are government-owned and -operated and do not criticize the Government. Equatorial Guinea's single newspaper did not publish in 1985. The radio and television stations transmit official government notices, imported entertainment, sports, and religious programs. There is no prohibition on receiving foreign publications or periodicals but, primarily for economic reasons, there are no such publications for sale anywhere in the country.

b. Freedom of Peaceful Assembly and Association

While theoretically protected by the Constitution, public political opposition or assembly is not tolerated in practice. Membership in any type of opposition organization would, at a minimum, result in the loss of official employment and

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exclusion from the ruling circles from which many benefits and privileges are derived. Nonpolitical groups, such as professional organizations and sports groups, do exist but must receive government permission to operate. Some such groups receive government backing.

There have been no attempts to form any type of labor union, not even a civil service union. There is no formal industrial sector in Equatorial Guinea. Many employers are required to select their work force from government agencies on terms and contracts acceptable to the Government, thereby depriving workers of the possibility of bargaining for themselves, either individually or collectively.

c. Freedom of Religion

There is freedom of religion in Equatorial Guinea. No religion is favored, but 90 percent of the population is Catholic. Religious publishing is permitted. Missionaries of several faiths are active and have government permission for their activities. Proselytization is permitted, and there does not appear to be any discrimination against persons on the basis of their faith. However, at the beginning of 1986 there were reports that the Government had acted to close down the meeting houses of Jehovah's Witnesses.

It was reported in 1985 that the Ministry of Agriculture appropriated property belonging to a seminary, without recourse to legal process or notice to the property owner.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

There are no explicit restrictions on Equatorial Guineans with respect to travel within the country. However, unemployed persons face forced labor on plantations or civic projects and then forced return to their place of origin. Travel abroad is limited by economic considerations. Also, there are often delays in the issuance of exit visas, but those delays do not seem to be politically motivated. There were no known Guinean political refugees departing the country in 1985, but a large number of refugees and displaced persons from the former regime continue to reside in Spain, France, Cameroon, and Gabon. Many of them criticize the current Government as being tribally based and undemocratic, but the poor state of the economy is probably another reason that they remain abroad. The Government has repeatedly indicated that all Guineans are welcome to return without fear of persecution but has made it clear that returnees may not engage in political activities outside the sanctioned system.

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

Citizens do not have the right to change their government through democratic means. President Obiang took power in the military coup of 1979 which toppled the Macias regime. He became President in 1982 following a plebiscite which ratified a new Constitution. While the plebiscite involved only approval or disapproval of the Constitution, which established a 7-year term of office for the President, Obiang declared the referendum was a mandate to rule and declared himself President.

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Under the Constitution, a partially elected, partially appointed National Assembly was chosen. While the Assembly includes members of minority groups, it is powerless to take any action not sanctioned by the President or his Council of Ministers, members of which can be appointed or dismissed by the President. Under the Constitution, the President also has the power to suspend virtually any and all rights if he decides a threat to national security or other emergency exists.

The Government is concerned with internal security--there have been two coup attempts in recent years--and maintains tight control over political activity and the military. The government leaders are considering the introduction of a one-party state as a step in expanding and guiding political participation.

There are two political structures, governmental and tribal. While high government officials frequently carry a similar tribal status, there is significant tribal influence outside government as well. The Fang ethnic group, which comprises more than 70 percent of the population, and in particular the Esangui branch, dominates the Government and the military. The Bubi tribe comprises a small percentage of the population, but historically it has been the majority on the island of Bioko where the capital is located. Bubis do not enjoy full equality or equal protection under law and lack effective representation, including jobs, in government. While the Prime Minister is a Bubi, his function is mainly ceremonial, and the National Assembly has little effective power.

Women play only a minor role in political life. The two highest positions held by women are the mayorship of the mainland town of Akurenam and the Vice Minister of Labor.

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

The Government has succeeded in distancing itself from the savagery of the previous regime. The authorities are forthcoming in discussing human rights issues with international organizations but would be unlikely to permit a close investigation of the human rights scene in Equatorial Guinea. There are no local human rights groups in the country. Amnesty International did not include an entry on Equatorial Guinea in its 1985 Report due to the lack of information. Freedom House rated Equatorial Guinea as "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION:

According to 1985 World Bank data, the population of Equatorial Guinea is 350,000 and is growing at the rate of 2.6 percent annually. Per capita gross national product is variously estimated at between \$100-200 annually, one of the lowest in the world. The average Guinean lives at the subsistence level, although members of the government bureaucracy in the larger towns have a higher standard of living. The Government is the largest employer in the country.

The economy improved modestly in 1985, in part due to the Government's decision to join the CFA franc zone. Cocoa production, the mainstay of the economy, also seems to be increasing, although precise data are not available, and many

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production obstacles remain, e.g., the lack of labor incentives and the uneven application of laws affecting property rights. Foreign aid flows into the country are substantial, averaging over \$30 million annually.

Life expectancy at birth is estimated at 44 years and the country's infant mortality rate is 132 per 1,000 live births. Official World Bank estimates put the country's literacy rate at 37 percent. The primary school attendance ratio of eligible children is 79 percent (male 88 percent, female 71 percent). The school system is generally poor, and teachers are largely unqualified and poorly educated. Many of the best schools are run by Spanish missionaries. There are only two high schools in the country (Bata and Malabo) and no institution of higher education.

Most salaried employment is with the Government. Government workers do not exceed a 48 hour week. Salaries are frequently not paid or are only partially paid, and government workers must supplement their incomes through second jobs. The minimum age for employment is 16, but there is no enforcement of this law in rural areas and children of various ages work, as necessary, to help support their families. There are no vigorously enforced minimum work standards.

The law states that both sexes and all tribal groups are equal and entitled to the same rights and privileges. For a variety of reasons, some historical and cultural, and others economic, women are accorded a lower status than men and have a correspondingly lower influence in the society and government. Men often take several wives. Social tradition, and the fact that women produce most of the basic staple food items, keeps most women engaged in agricultural or domestic work.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: EQUATORIAL GUINEA, REPUBLIC OF	1983	1984	1985	
I.ECON. ASSIST.-TOTAL...	1.1	1.9	1.8	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	1.1	1.9	1.8	
A.AID	1.0	1.0	1.4	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	1.0	1.0	1.4	
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0	
B.FOOD FOR PEACE.....	0.1	0.9	0.4	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.1	0.9	0.4	
TITLE I-TOTAL.....	0.0	0.0	0.0	
REPAY. IN \$-LOANS.....	0.0	0.0	0.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	0.1	0.9	0.4	
E.RELIEF.EC.DEV & WFP.	0.1	0.9	0.4	
VOL.RELIEF.AGENCY.....	0.0	0.0	0.0	
C.OTHER ECON. ASSIST...	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
PEACE CORPS.....	0.0	0.0	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II.MIL. ASSIST.-TOTAL...	0.1	0.1	0.1	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.1	0.1	0.1	
A.MAP GRANTS.....	0.0	0.0	0.0	
B.CREDIT FINANCING....	0.0	0.0	0.0	
C.INTL MIL.EO.TRNG....	0.1	0.1	0.1	
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E.OTHER GRANTS.....	0.0	0.0	0.0	
III.TOTAL ECON. & MIL...	1.2	2.0	1.9	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	1.2	2.0	1.9	
OTHER US LOANS.....	0.0	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	0.0	0.0	
ASSISTANCE FROM INTERNATIONAL AGENCIES	1983	1984	1985	1946-85
TOTAL.....	10.1	7.3	23.0	53.6
IBRO.....	0.0	0.0	0.0	0.0
IFC.....	0.0	0.0	0.0	0.0
IDA.....	2.4	6.0	9.3	17.7
IOB.....	0.0	0.0	0.0	0.0
AOB.....	0.0	0.0	0.0	0.0
AFDB.....	5.2	0.1	13.7	27.1
UNDP.....	2.5	0.8	0.0	8.4
OTHER-UN.....	0.0	0.4	0.0	0.4
EEC.....	0.0	0.0	0.0	0.0

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Ethiopia is ruled by Chairman Mengistu Haile-Mariam and a small group of associates who exercise power through arbitrary arrest and intimidation. Mengistu's position and continuation in power derive from his successful domination of military rivals in the years following the fall of Emperor Haile Selassie. Mengistu holds the top post of Secretary-General in the Workers Party of Ethiopia, which was formally established on September 6, 1984. The stated goal of the party is to transform the country into a Marxist-Leninist state. Marxist-Leninist ideology is pervasive in the press, throughout the educational system, in the "kebele" (urban neighborhood association) network, and increasingly in the military and workplace.

Ethiopia deploys the largest standing army in Africa south of the Sahara, numbering over 250,000 soldiers. It uses this power to pursue military solutions to the armed insurgencies of varying intensities directed against the Government. Ethiopia also supports rebel movements against its neighbors, Sudan and Somalia, ostensibly in retaliation for their alleged support of Ethiopia's internal opponents. The Government has an extensive security apparatus which uses a comprehensive system of surveillance and informers to strengthen its control over the population.

Ethiopia's economic problems are considerable and growing in scope, in important part due to the imposition on independent farmers of a system of collectivized agriculture. One of the worst droughts in Ethiopia in a century reached a climax in 1985. Approximately 7.5 million persons were directly affected by the drought, and food shortages and record high food prices affected the entire population. Although much of Ethiopia had near-normal rains in 1985, lack of seeds, plow oxen, and human laborers caused by 3 years of drought greatly reduced plantings. The 1986 harvest will remain well below Ethiopia's already insufficient average production.

Ethiopia's record on human rights is deplorable, and 1985 saw no improvement. The country remains without civil or political freedoms and without institutions or laws to protect its citizens' human rights. The Provisional Military Government of Socialist Ethiopia (PMGSE) maintains complete control over the media, labor, education, internal and external movements of Ethiopian citizens, and all political processes. Mengistu has never held a general election of any kind to legitimize himself or his Workers' Party of Ethiopia (WPE). Persons expressing opposition to the regime or suspected of not supporting it are routinely arrested by security police and subjected to torture in varying degrees; some executions have been reported as well. The individual citizen may be detained at any time without explanation and may be held indefinitely without trial.

Bombing and shelling of suspected guerrilla positions in populated areas by Ethiopian forces, together with frequent infighting between rival factions within the dissident groups, continued to produce civilian casualties and dislocations in the contested areas. Second to the suffering brought on by the widespread fighting, the most alarming abuse of human rights in 1985 was the Government's massive resettlement program, which, after the initial movements, was carried out involuntarily with considerable loss in human lives. In support of its resettlement effort, the Government closed all

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institutions of higher learning for 2 months and transported virtually the entire academic population of 21,496 students, teachers, and administrators to resettlement areas to perform manual labor, often in abysmal conditions. Thousands of party cadres have also been required to work in resettlement areas, some for more than 8 months at a time. In 1985, the Ethiopian Government repeatedly denounced the airlift of Ethiopian refugee Jews from Sudan to Israel even as it continued severely to restrict the right of all its citizens to emigrate freely.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

From time to time during 1985 there were reports of summary executions. In the insurgent areas, political killings by both government forces and the contending factions continued. Guerrilla forces used assassination, sniping, and the mining of roadways as tactics against the Government while the Government continued to execute captured combatants and to bomb civilian population centers. Both government and rebel forces are believed to have destroyed crops and homes in their opponents' areas.

b. Disappearance

As in previous years, there were in 1985 documented cases of Ethiopians being abducted without charge by plainclothes security police and held incommunicado for extended periods. Families are not notified of their relatives' arrest or, if they are, are frequently not informed of their whereabouts. Prisoners have also disappeared from their jail cells, never to be seen again. Six Ethiopian employees of the United Nations Economic Commission for Africa, headquartered in Addis Ababa, and abducted several years ago by Ethiopian police, were finally released in 1985. Amnesty International in its 1985 report (covering 1984) expressed concern over the regime's continued failure to account for some 15 political prisoners who disappeared in 1979. Rebel forces have also occasionally taken civilian prisoners, including foreign nationals. These prisoners are generally not detained indefinitely but are required to travel on foot for up to 6 weeks before being released in Sudan.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture, including severe beatings, crushing of bones of the hand, and the use of electric shocks, is reportedly practiced in cases involving insurgent combatants and on those engaged in activities such as statements or writings against the Government. Amnesty International states that torture is often practiced on Ethiopian prisoners interrogated at the central revolutionary investigation department ("third police station") in the capital and is routinely used in other parts of the country, such as Nazareth, to interrogate prisoners about opposition organizations, especially those engaged in armed conflict against the Government.

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In Ethiopia's main prison, called central investigations, as many as 30 prisoners are assigned to a single room. They share mattresses by sleeping head to foot. Blankets are not issued. Four such rooms share one toilet. Since the rooms are in the basement, there is no natural light or fresh air, and a light is on at all times. Food is minimal: three pieces of bread and two cups of tea per day. Blankets and additional food is the responsibility of the inmates' families. Visitors to the prison never actually see the inmates but must send items and messages through trustees. Inmates are allowed out of their cells for 3 hours each day.

Interrogations can be scheduled at any time, but beatings are usually administered between 5 p.m. and 8 p.m. The inmate population is mixed between political prisoners and criminals, and it is the political prisoners (mostly Eritreans and Tigreans) who receive the majority of the beatings. Older prisoners are usually not beaten but are suspended (by ropes attached to wrists or under arms) for long periods without food or water. Fatalities occur from the beatings. The prison clinic dispenses medicine except to political prisoners, who are left to recover or not without medication.

Conditions in one of the main detention centers in the capital, where members of the royal family and other political prisoners are held, are said to be relatively good. Occupational and academic training is available, and books and magazines are provided. Families and friends are allowed to visit with some frequency. Former prisoners held at the Gebi Palace Prison, below Mengistu's offices, have reported that they were relatively well treated, though their quarters were crowded and damp, and brief visits by family members were allowed only once a year. Those held at Gebi Palace are mostly high-ranking officials from the former government. However, the son of one of the imprisoned royal family members reported that his mother and five other women relatives of Haile Selassie are kept in small cells, are not allowed out for exercise or fresh air, and are not given access to basic medical care.

d. Arbitrary Arrest, Detention, or Exile

Ethiopians suspected of antigovernment actions or sentiments are subject to arrest or detention without charge or judicial review. Remarks considered critical or derisive of the Government, failure to attend mandatory political or kebele meetings, suspicion of association or sympathy with organizations opposed to the Government and, in the case of Ethiopian women, suspicion of sexual liaison with foreign visitors are all common justifications for arbitrary arrest and detention. In most cases, political detainees are held incommunicado, at least initially and sometimes for the length of their term of incarceration. The term of confinement for a suspect held without legal charge is subject to the whims of the incarcerators who can be from any level of government, from the Politburo down to the local kebele. Prisoners have been held without charge for periods of up to 9 years.

In February 1984, the Government announced that it had been holding 18 persons in detention since December 1983 for "distributing antirevolutionary pamphlets." There is uncertainty regarding the fate of these detainees as only 1 of the 18 was known for certain to be alive in early 1985. In politically sensitive arrests, the Government generally prefers

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to operate in secret, taking the suspect from home at night. However, arbitrary arrest is not limited to the politically suspect. Even people with no record of political activity or political affiliations are arrested and detained for months or longer with no explanation given. In September 1985, the Government announced its customary amnesty to coincide with national day celebrations. The names of the 88 political detainees (described as young and without influence) and the 689 common criminals released were not revealed. The royal family members still imprisoned were not released.

The Government uses both convict and forced kebele labor. Prisoners are used in various construction projects, such as road building and forestation. Kebele dwellers, young and old, male and female, are obligated to "volunteer" their services for work programs upon the demand of kebele officials.

e. Denial of Fair Public Trial

There is no discernible separation between the executive branch and the judiciary. Courts are subject to political control and are responsive to the requests and directions of Ethiopia's leadership. Ordinary criminal and civil cases are more generally based upon the submission of evidence in a public setting. Minor cases are tried at the kebele level, while more serious criminal accusations are tried in courts where the accused has access to court-appointed lawyers.

Ethiopian political prisoners generally do not receive trials, public or otherwise. No guarantee of a public trial with counsel exists, nor is the accused permitted to present witnesses or evidence in his or her defense. Political trials are almost always held in secret with only the verdict (if even that) publicly announced. Prisoners who are cleared of charges or whose terms have been completed are not always released from prisons.

There are conflicting reports about the current number of political prisoners, which is virtually impossible to estimate accurately. If the total includes those taken prisoner as a result of ethnic insurgencies, it could well number in the thousands. Amnesty International believes thousands are still being held without trial or charges.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Warrants are not required for entry into or search of offices or private homes in Ethiopia. As a result, forced entry is commonly used by the police and security forces, although the level of this activity is currently much lower than during the "Red Terror" period of 1977-78. However, surveillance of individuals, both visual or through listening devices, has increased and continues with no legal strictures.

All mail is subject to monitoring by the Government. Ethiopian citizens can be called in at any time for questioning by authorities and for mandatory kebele meetings, political rallies, or marches. Refusal to appear for any of the above may result in imprisonment without hearing. Every Ethiopian lives under the watchful eye of local kebele or rural dwellers' association officials. These officials monitor visitors received, items brought in and out of houses, any meetings, and adherence to local curfews. They are also

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empowered to arrest anyone whom they deem guilty of illegal or suspicious conduct. Ethiopian citizens are often forced to join "mass" organizations, including, reportedly, the party.

In November 1984, the Government began a massive and forced resettlement of famine victims, especially from the northern regions to other parts of the country. To date, this program has involved the removal, transport, and resettlement of over 500,000 persons, and resettlement of 1 million more is planned. Many of these persons have been forcibly rounded up in their villages, at relief camps, and at feeding sites and confined under armed guard at "transit camps." From these camps, they have been transported by Soviet-supplied aircraft in extremely crowded conditions to airbases, usually near Addis Ababa, and then transported overland in trucks and buses under armed guard to resettlement sites. These sites are located in primitive wilderness areas totally lacking in basic health, sanitation, and other essential services. Those resettled are compelled to perform long hours of hard labor clearing and cultivating the land while receiving only minimal shelter and food rations. Many families are separated through the resettlement process.

Reputable research into the resettlement program has uncovered what the researchers called "a consistent pattern of murder and severe PMGSE human rights abuses". Several persons who subsequently escaped from the resettlement sites claimed to have witnessed murder or to have been the victims of beatings, imprisonment, deprivation, and what they considered enslavement in a regimented work environment where mortality rates were exceedingly high. The resettlement program also diverts badly needed transport and logistical support and supplies from the famine relief effort.

In addition, there is another large program underway, called villagization, which moves people off their farms and into newly prepared villages. The old homes are either moved to new sites or destroyed so people will not return. The purpose of the program appears to be better political control. The program appears to be detrimental to food production and coercive in nature.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

There is no freedom of speech or press in Ethiopia. The Government owns and operates all information media and exercises censorship through editorial boards and the Ministry of Culture. Expression of political opinion which is unauthorized or at variance with the official government line can result in imprisonment. Political, economic, and social policies in Ethiopia are formulated at top levels of government, then disseminated and monitored through the government-controlled media and government-organized citizens' groups, i.e., women, youth, worker, and peasant associations, kebeles, and military commissariats.

In particular, the Government closely monitors the pronouncements of public officials, academics, and clergy. Some instructors and professors in secondary schools and at the university have resisted the politicization of education. Academic freedom, although circumscribed, especially in the political and social sciences, still finds limited

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expression at the university. Private secondary schools, where affluent Ethiopians can send their children, are mostly free of political orientation. Many, including people in the Government, seek to send their children abroad for education.

Books and magazines can be confiscated if deemed opposed to the revolution. Foreign magazines and newspapers are not readily available. Foreign radio broadcasts are widely listened to in Ethiopia. There is no evidence of overt attempts by the Government to interfere with radio reception.

b. Freedom of Peaceful Assembly and Association

Assembly of any sort not previously approved by the Government is strictly forbidden under penalty of arrest. In contrast, attendance at government-backed rallies, meetings, and parades is mandatory and enforceable by arrest and detention. Ethiopians are cautious in their associations with one another and with foreigners. There is a pervasive system of informers and surveillance. Frequent association with foreigners can result in questioning, arrest, and detention. Professional associations such as the Rotary and Lions are allowed to operate, though their membership and activities are presumably monitored by the Government.

Workers are not permitted to organize independently in Ethiopia, and labor-management negotiations are not allowed. Strikes and slowdowns are strictly forbidden. The only labor organization allowed to operate is the government-controlled All-Ethiopia Trade Union (ATEU). The ATEU, one of Ethiopia's "mass organizations," is basically a political group utilized by the Government to implement its policies, expand party control within the workplace, and prevent work stoppages. A number of ATEU's top leaders have been trained in Eastern Europe, and the organization has close ties with Soviet and East European labor organizations. The 1985 report of the International Labor Organization (ILO) Committee of Experts criticizes the mandatory single trade union structure in Ethiopia and repeats its request that freedom of association be extended to rural workers and public servants.

c. Freedom of Religion

With the overthrow of the Haile Selassie regime, the Ethiopian Orthodox ("Coptic") Church lost its favored position, along with its lands and most of its property. The Government allows the Orthodox Church and the Muslim religion (each claims to make up about 50 percent of Ethiopia's population) freedom of worship and proselytism. However, the Orthodox Church has government-appointed officials within its administration to ensure its conformity.

Orthodox and Muslim holidays are recognized by the Government, and officials of both religions are allowed to exercise jurisdiction over civil matters such as marriages. There is, however, a continuing effort to deemphasize the presence and importance of religion in Ethiopian life, e.g., references to any deity are expunged from dialogue in television programs and movies, and are forbidden in government statements or publications. Nevertheless, in 1985 there was a notable resurgence in religious observances and church attendance, deemed by many to be a popular response to the regime's efforts to curb religion.

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In May 1985, the state-appointed administrator of the Ethiopian Orthodox Church attempted to remove certain religious artifacts from a church in Addis Ababa. An angry mob of worshipers prevented the removal, killing a state-sponsored priest and a deacon in the melee.

Other religions, particularly protestant evangelical organizations, have found their activities sharply curtailed by the Government, through the closure of churches, the seizure and nationalization of property and facilities, and harassment and surveillance. At least one organization's congregation, its leader imprisoned since 1977, now assembles in secret "safe areas" for worship and other church-related meetings. The Government gives permits to foreign missionaries to enter and work in Ethiopia in limited numbers, although usually as development specialists, not as missionaries. Amnesty International's 1985 report notes that over 40 officials of the Ethiopian Evangelical Mekan Yesus church had been detained, with 17 still imprisoned at the end of 1984 for their nonviolent beliefs.

There has been considerable illegal emigration by Ethiopian Jews (Falashas) during 1985, continuing a trend started in previous years. Legal emigration of this group is greatly restricted. The Government reacted angrily to the humanitarian airlifting of thousands of Ethiopian refugee Jews from Sudan to Israel, denouncing it as "kidnapping." Access by foreign Jewish and Israeli visitors to Falasha villages in the Gondar region was erratic and shut off for much of 1985. Frictions continue to mark government relations with the Ethiopian Jewish community, resulting from government efforts to prevent emigration, to restrict Hebrew instruction, and to force Marxist-Leninist indoctrination. Although Ethiopian Jews live in areas of insurgency (Tigre, Gondar) where they are frequently caught in military crossfire, stories of "genocidal" actions by Ethiopian authorities or of highly brutal behavior toward Falashas appear to be unfounded.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

Restrictions on freedom of travel within Ethiopia exist as a result of the insurgencies (several areas, mainly in the northern administrative zones, are closed to travel for security reasons). Moreover, permission is required for Ethiopian citizens to change their places of residence, and persons considered politically suspect may even be forbidden to travel outside their home areas.

Travel abroad by Ethiopians is heavily restricted by the Government. A passport application can be denied for failure to attend the mandatory Sunday morning political meeting or to "volunteer" for kebele work activities. It is not unusual for bribes to be solicited when an application is received. During 1985, as in the past, issuance of external travel permits to Ethiopians was occasionally shut off with no warning, then suddenly renewed shortly thereafter.

Emigration is highly restricted except in special circumstances such as marriage to or adoption by a foreign national, although some emigration has been allowed on the basis of family reunification. Leaving Ethiopia without authorization is regarded by the Government as a serious offense punishable by 5 to 25 years' imprisonment or, in

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exceptional cases, reportedly by death. There is nonetheless considerable illegal emigration, undertaken either under the subterfuge of travel abroad for business or to visit relatives, or by arduous treks overland and surreptitious crossing of the border.

The Government recognizes the right of voluntary repatriation, and its proclamation of mass amnesty for those Ethiopians living abroad (numbering more than 1 million) remains in effect. The Government does not forcibly repatriate refugees from other countries. There are approximately 180,000 Sudanese resident in Ethiopia, some of whom are genuine refugees, others of whom are persons displaced by drought and insurgency in Southern Sudan.

The drought/famine and civil strife severely affected many areas in Ethiopia and displaced a large number of persons who crossed over into neighboring countries, especially Sudan, in search of food. With the return of near-normal rains in 1985, many of these displaced persons voluntarily returned to their homes. Eyewitnesses reported that groups of such displaced persons and others transporting relief supplies have at times been strafed by the Ethiopian Air Force, although this may result from a misidentification of those crossing the border as rebel troops. There were approximately 500,000 Ethiopians in camps in Eastern Sudan at the end of 1985. There is no evidence that the Government discriminates against these persons upon their return to Ethiopia.

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

Ethiopian citizens have no legal right or means to change their Government. All power to determine policy in Ethiopia resides in the upper echelons of government, led by Chairman Mengistu and a small group of former military officers. Political and economic policies are dictated to the population. The Provisional Military Government of Socialist Ethiopia invariably claims to be speaking on behalf of the whole Ethiopian people. The Workers' Party of Ethiopia purports to offer Ethiopian citizens a means of participation in government, but its role is to ensure that all government ministries, mass organizations, and nationalized businesses remain faithful to Marxist-Leninist principles. Kebeles and peasants' associations, which are the primary party/government control mechanisms at the local level, control housing allocation, basic food rationing, political indoctrination, and implement other government policies, such as registering youths for national military service.

The highest government echelons are no longer dominated by the Amhara ethnic group but include many Oromos and some Eritreans and Tigreans. Almost all senior government and political figures are of Christian origin although the population is 50 percent Muslim. Women are very poorly represented at the top echelons of government. Only one woman, a vice minister, holds a senior position.

Plans are currently underway to adopt a new constitution which, according to reports from the party congress in March 1985, would provide for the creation of a People's Democratic Republic of Ethiopia and representation by "nationality" or ethnic group in national and regional parliaments. The extent of autonomy that will be permitted groups such as the

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Eritreans, Tigreans, and Oromos is not clear. Until that key issue is resolved to the satisfaction of the population, antigovernment insurgencies will continue.

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

There is no governmental or private body to investigate alleged human rights violations. The Government opposes any attempt by international and nongovernmental organizations to investigate such allegations. Representatives of the International Committee of the Red Cross (ICRC) in Addis Ababa are not allowed to visit political prisoners, though they are allowed to visit prisoners of war from the 1977-78 war with Somalia. Moreover, the ICRC does not have access to prisoners taken in fighting with insurgent groups or to prisoners held by Ethiopian-backed rebel groups opposing the Governments of Sudan and Somalia. In December 1985, Ethiopia expelled a private French relief organization, Doctors Without Borders, for alleged criticism of the forced resettlement program. Some of Amnesty International's concerns, as expressed in its 1985 report, are included in 1.b., 1.c., and 2.c. above. Freedom House rated Ethiopia as "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Ethiopia's first census indicated that its diverse population reached 42,266,000 in 1985 and is growing, according to 1984 World Bank data, at more than 2.7 percent per year. Approximately 85 percent of the population lives in rural areas, and the majority resides over half a day's walk from an all-weather road. Ethiopia's per capita income in 1983 was about \$120, one of the lowest in the world. Of the more than 40 different ethnic groups, the Ahmara, Tigreans, and Oromo make up more than three-fourths of the population.

According to the World Bank, gross domestic product grew at an average rate of 2.3 percent during the decade ending in 1982/83. However, the economy is currently suffering not only from the drought and civil strife (military expenditures take 25 percent of the budget) but also from ideological constraints, notably in the PMGSE efforts to impose upon its nation of small, independent farmers a system of inefficient collectivized agriculture and state farms, especially in the resettlement areas. The PMGSE also imposes artificially low official market prices on the sale of basic foodstuffs and forces farmers to sell at these prices. Lacking essential incentives to produce, Ethiopia's farmers have tended to reduce their production to that amount needed for their families. At the same time, industrial production is stagnating due to overcentralization (there is government ownership of almost all industrial facilities), shortages in spare parts (due to chronic foreign exchange problems), a lack of capital investment, and managerial inefficiency.

In February 1985, the Government announced an austerity program which has further slowed economic activity. Imports have again been reduced, gasoline rationed, and a special drought emergency tax of 1 month's salary per annum imposed on all wage earners earning over \$25 per month. While consumer prices have soared, wages have not risen in 10 years. The rate of underemployment plus unemployment in Ethiopia's cities and villages is reportedly around 50 percent.

ETHIOPIA

The Government has attempted to increase health and educational services to the peasantry and urban poor. Currently, the infant mortality rate is 167 per 1,000 live births, and life expectancy at birth is 48 years. The caloric supply as a percentage of requirements was 79 percent in 1977, the last year for which statistics are available, and may have dropped since then due to drought and civil strife. There is 1 doctor per 75,000 persons and 1 nurse per 5,320 persons. Infectious disease is rampant, including leprosy, tuberculosis, and trachoma. Only 14.5 percent of the population had access to safe drinking water in 1980. Even in urban areas, where 82 percent have access to safe water, lines at water pumps are common, and open ditches are used as sewers.

The World Bank cited a 12.8 percent literacy rate in 1974, and while recent Bank data are not available, the Government claims the literacy rate rose to 54 percent in 1985. This growth is related to the Government's efforts to expand access to educational facilities, especially for the rural and urban poor. The primary school enrollment ratio reportedly increased from 19 to 37 percent between 1973 and 1981, (male 46 percent, female 27 percent in 1981). The Government has invested considerable effort in adult literacy campaigns and rewards those who volunteer to teach in them with travel permits and other highly prized privileges. University enrollment has expanded considerably, to approximately 12,000 day students and over 8,000 extension students. Ethnic Oromo students have been given opportunities for advanced studies that were largely unavailable under the previous regime.

While consumer prices have soared, wages have not risen in 10 years. Wage earners at the bottom of the pay scale can no longer be said to earn a salary that provides a decent living for a worker and family.

The minimum age for nonfarm labor is 14 and seems to be respected. The maximum legal work week in Ethiopia is 48 hours, which is generally respected in practice. "Voluntary" work campaigns at places of employment are growing increasingly common. Workers "volunteer" to work extra hours and weekends, so that factory or office quotas can be achieved, but receive no pay for these hours. Although the right of workers to an annual vacation is guaranteed by law, in practice government workers are usually not allowed such time off. Employers in private industry, however, are obliged by the Government to respect this law. Health and safety codes for the workplace are rudimentary and remain unenforced.

Various U.N. studies indicate Ethiopian women are subject to many disadvantages, encountering inter alia cultural and traditional biases, marriages imposed at a very young age, hard and time-consuming labor in rural areas, and inadequate employment opportunities and decent wages in urban areas. Village leadership is invariably male, and all clergy are male. However, women in the central Ethiopian cultures (Oromo, Amhara, Tigre) enjoy economic rights equal to those of men. They may inherit, sell, or buy property and engage in business. Women have a subservient status within the home, and child marriages remain common in some rural areas despite opposition by the Government. Female circumcision is practiced in the northern parts of the country, although the Government has stated its opposition to this practice. The Revolutionary Ethiopian Women's Association, a "mass organization" created in 1980, has the proclaimed goal of improving the status of women.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
 (U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: ETHIOPIA

	1983	1984	1985
I.ECON. ASSIST.-TOTAL...	2.8	9.8	87.2
LOANS.....	0.0	0.0	0.0
GRANTS.....	2.8	9.8	87.2
A.AID	0.0	0.0	0.5
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.5
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	2.8	9.8	96.7
LOANS.....	0.0	0.0	0.0
GRANTS.....	2.8	9.8	86.7
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN \$-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	2.8	9.8	86.7
E.RELIEF.EC.DEV & WFP.	0.2	1.9	14.4
VOL.RELIEF AGENCY.....	2.6	7.9	72.3
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.EQ.TRNG....	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	2.8	9.8	87.2
LOANS.....	0.0	0.0	0.0
GRANTS.....	2.8	9.8	87.2
OTHER US LOANS.....	0.0	3.3	0.0
EX-IM BANK LOANS.....	0.0	3.3	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1983	1984	1985	1946-85
TOTAL.....	118.7	169.3	205.5	1324.5
IBRD	0.0	0.0	0.0	108.6
IFC	0.0	0.0	0.0	15.5
IOA	27.0	105.0	166.0	771.1
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	56.4	39.8	39.5	226.7
UNDP	7.3	24.5	0.0	125.5
OTHER-UN	28.0	0.0	0.0	77.1
EEC	0.0	0.0	0.0	0.0

GABON

Gabon has a single-party political system in which effective political power is concentrated in the Presidency. That office has been held since 1967 by President Omar Bongo, who is also head of the party. A March 1983 amendment to the party constitution restricts candidacy in future presidential elections to the "Secretary General-Founder of the Democratic Party of Gabon," thus reserving presidential candidacy for President Bongo. In practice, presidential power is limited by the complexity of government and the diffusion of power through 60 cabinet-level officials led by a Prime Minister. A 120-member National Assembly is elected from slates chosen by the single party and meets regularly, but it has little real power.

Although still a developing country, Gabon has the highest per capita income (\$4,000) in Sub-Saharan Africa due to its significant petroleum and mineral resources and its small population. Economic performance has also benefited from long-standing government policies supporting private enterprise and encouraging foreign investment. While income distribution is skewed in favor of the modern urban sector as opposed to the traditional, agricultural sector, most Gabonese have benefited in some measure from the country's strong economy.

The country's 1961 Constitution guarantees protection of the individual and respect for the integrity of the person, and, with isolated exceptions, these rights are generally respected in practice. Political rights, however, are not guaranteed under the Constitution, and active political opposition to the sole legal party is not permitted. Public criticism of particular government actions and policies is allowed and occurs with some regularity within the context of the single party, although direct attacks on the President are prohibited. There is no evidence of systematic police or other repression of the population. Gabon released the last of its political prisoners in 1985.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There were no known political killings or summary executions.

b. Disappearance

There were no known cases of abductions or hostage-taking by government or any other groups. The authorities are sometimes slow to advise the families of accused criminals or detainees who are arrested, but there has been no evidence of attempts to suppress news of an arrest.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The political opposition group, the Movement for National Recovery (MORENA), based in Paris, has alleged that several people detained in the Libreville prison on political charges have been mistreated or kept in degrading conditions. Amnesty International's 1985 report mentioned allegations that some prisoners, both criminal and political, had been ill-treated. There were other reports, however, that virtually all prisoners

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had been allowed family visits. Family members reported no serious mistreatment. Police are believed to be rough but not brutal in their treatment of suspected criminals. Prison conditions are harsh.

d. Arbitrary Arrest, Detention, or Exile

In Gabon, "acts against the security of the state" and "actions against the Chief of State," which can include advocating a multiparty system, are punishable crimes. Alleged members of the MORENA opposition group were detained for several months before being brought to trial and sentenced in 1982 and 1983. All MORENA prisoners have now been released. There have been no reports of detention without trial of persons accused of violations of criminal law. Gabonese law, amended in September 1983 and ratified by the National Assembly early in 1984, provides guarantees against arbitrary detention according to clearly articulated judicial procedure which is observed in practice. Previously, there were no legal protections against arbitrary detention.

Forced labor is not used as a means of political coercion or racial or social discrimination. Some prison sentences for serious crimes include hard labor as part of the sentence during incarceration.

e. Denial of Fair Public Trial

A legal system based upon French law, customary law, and the 1961 Constitution, which gives the President a powerful role, functions fairly effectively. The right to a fair public trial is guaranteed by the Gabonese Constitution and has generally been respected in practice in criminal cases. In security/political cases, however, there have been more controversy and inconsistency. The 1982 trial of the 29 alleged members of MORENA took place in public with representatives of the international press and Amnesty International present, while the 1983 trial of 4 political dissidents took place in camera. The charges leveled against the accused were basically the same in both cases, namely, printing and distributing antigovernment tracts and encouraging the Government of France to use its influence in Gabon to bring about a multiparty political system. In 1985, a military officer was tried publicly and convicted by a special military tribunal for plotting to overthrow the Government. He was executed after the Gabonese Supreme Court and the President declined his appeal. By the end of 1985, all known political prisoners had been released, and no others are known to be held.

The Gabonese court system is modeled on the French judicial system. Trial courts hear questions of fact and law in civil, commercial, social, criminal and administrative cases. A second level of appeals courts is divided into two general appellate courts, with a separate appeals court for criminal cases. Gabon's highest judicial body, the supreme court, is divided into four chambers. There are also three exceptional courts: a military tribunal which handles all military offenses, a state security court, and a special criminal court which deals with fraud and embezzlement of public funds by officials.

The judiciary is implicitly susceptible to executive influence, since Gabon's Constitution gives the President the authority to appoint, transfer, and dismiss judicial officials.

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f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The various police and security units monitor dissident political activity, including dissident telephone conversations, but interference in the daily life of the populace is relatively rare.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

There are certain limits on these rights in Gabon. No direct public criticism of President Bongo is permitted, and no advocacy of a multiparty political system by the media or individuals is tolerated. The country's single daily newspaper, which is government-owned, regularly prints columns attacking alleged inefficiency or corruption in various government offices. Foreign magazines and newspapers, notably French publications and magazines printed elsewhere in Africa, which sometimes criticize the President and the one-party system, generally circulate freely in Gabon, although occasionally particular issues of publications are seized by the police and a few publications are banned. Journalists are considered to be state employees and are expected to expound on themes as directed by the Government. The policies of the Government are sometimes debated in public forums. The President sometimes holds press conferences and his ministers have submitted to lively direct questioning on television on a broad range of domestic policy issues such as education, public housing, and transportation.

b. Freedom of Peaceful Assembly and Association

Political activity outside the Democratic Party of Gabon is illegal. The Government does not interfere in the affairs of nonpolitical organizations. In some sectors, for example, sports clubs and social service organizations have been formed. Many are national programs under government auspices, but diverse private groups and events sponsored by private companies also exist.

Labor unions may organize but are legally required to be affiliated to the government-sponsored Gabonese Labor Confederation, which is closely tied to the governing political structure and is the sole legal labor federation. The Labor Code (1978) and the General Convention of Labor (1982) govern general working conditions and benefits for all sectors. Unions in each sector negotiate with management over specific pay scales, working conditions, and benefits applicable to their industry. Each year, representatives of labor, management, and government meet to agree on the minimum wage, which is determined within guidelines provided by the Government. Under Gabonese law, all strikes are illegal which occur before remedies prescribed under the Gabonese Labor Code have been exhausted. Nevertheless, petroleum and transportation workers have successfully organized strikes and job actions in 1985 and in previous years over wages and working conditions. The Gabonese Labor Confederation is a member of the Organization of African Trade Union Unity.

It is estimated that over half of Gabon's 80,000 salaried private sector workers are unionized. Government employees are not permitted to belong to unions. Agreements reached between

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labor and management in each sector also apply to nonunion and expatriate labor. According to the 1978 labor code, workers may individually or collectively take complaints of code violations to arbitration and may appeal to labor and national courts. These provisions are observed in practice.

c. Freedom of Religion

The Gabonese Constitution guarantees religious freedom and tolerance. Proselytizing has sometimes been discouraged, and in 1985 four small syncretistic sects were banned because of alleged tolerance of antigovernment activities. Nonetheless, Christian, Muslim, and animist religions all flourish in Gabon, and public worship is unrestricted. A number of different religious groups operate schools. There is no political or economic discrimination because of religious preference.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Movement within the country, foreign travel, and return to Gabon are normally not restricted by the Government. Government employees, however, must obtain permission to travel abroad, and private citizens must obtain exit permits. Since mid-1983, the Government has slightly tightened restrictions on the entry and resettlement of displaced persons, but many individuals who have a "well-founded fear of persecution" in their country of origin have been given permission to stay in Gabon; they come from a variety of countries, including those with which Gabon has friendly bilateral relations. There have been no reported cases of involuntary repatriation, and those refugees who wish to repatriate voluntarily are allowed to do so.

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

Gabon is governed by a centralized, single-party regime in which President Omar Bongo exercises most political power. Major political and economic decisions are made by the President, usually in consultation with cabinet-level officials. This group of 60 includes representatives of all the country's major ethnic, geographic, and political groups. Gabon's varied interest groups are thus given access to political patronage. The Fang, an ethnic group comprising about 35 percent of the population, feel themselves to be underrepresented. Fear of Fang dominance by the remaining 65 percent has contributed to the President's political control. The need to maintain the balance of interests represents, therefore, the major check on presidential power. The very size and complexity of the government structure is another significant factor. Opposition political parties are not permitted. Membership in the single political party is open to all Gabonese but is not required. Elections below the presidential level are sometimes contested, but all candidates must be approved by the Democratic Party of Gabon.

Although no women are found among the top 40 full government ministers, 4 women occupy cabinet level positions as secretaries of state, and 9 others occupy junior minister positions. Women are particularly active in the judiciary and occupy 13 seats in the National Assembly.

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

President Bongo has invited representatives of Amnesty International and other human rights organizations to visit Gabon. An Amnesty International representative from Senegal was present in 1982 for the major human rights-related event in recent years, the public trial of the MORENA dissidents. In 1985, informal contacts were undertaken with several international human rights organizations for frank discussion on the human rights situation in Gabon. The United Nations High Commissioner for Refugees functions in Gabon under the aegis of the United Nations Development Program. Some of Amnesty International's current concerns are noted in Sections 1c and 1e above. Freedom House rated Gabon "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Gabon is a developing country, although its petroleum and mineral resources and small population of only one million enable it to have one of the highest per capita incomes in Africa--about \$4,000 in 1983. The population growth rate is 2.8 percent per annum. Gabon has enjoyed substantial economic growth over the past 10 years, helped in part by the Government's policy of supporting private enterprise and encouraging foreign investment. However, economic growth has stagnated over the last 4 years due to the depressed state of world markets for Gabon's principal exports.

In spite of its good economic record, Gabon faces the problem of trying to integrate the modern sector of the economy with the traditional sector based on semisubsistence agriculture. Income distribution is skewed in favor of the roughly 50 percent of the population who live in the modern urban sector. The Government is attempting to ensure further economic growth and a more equitable distribution of national income through a program of investment in education, social services, infrastructure, and agriculture. Access to the Government's social programs is open to all Gabonese citizens on a nondiscriminatory basis. The right of both men and women to hold private property is spelled out in the Constitution and is fully protected in practice.

According to the World Bank, life expectancy at birth rose from 40 years in 1970 to 51 years in 1985. Estimates of infant mortality have varied widely. The World Bank statistics for 1985 of 159 deaths per 1,000 live births indicates a slight decrease during the past several years. The majority of the population has access to maternity clinics and basic health facilities. A World Bank estimate of the ratio of available caloric supply to nutritional requirements was 115 percent in 1977. There has been no evidence of significant malnutrition due to inadequate food supplies, but lack of knowledge of good nutritional and health care practices for children in the traditional sector remains a problem. It is estimated that about 75 percent of the urban population has access to safe drinking water. The World Bank in 1981 gave the primary school enrollment ratio as 106 percent (109 for males and 103 for females). The Government has made school attendance compulsory and nearly all primary school-age children are believed to be attending school.

Labor legislation provides broad protection to workers. The minimum wage for unskilled labor since April, 1985 is about

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\$162 per month for Gabonese and \$125 per month for foreigners, the highest in Sub-Saharan Africa, with the exception of South Africa. Due to labor shortages, most salaries are much higher. There is little unemployment among Gabonese wishing to enter the wage economy, although some unemployment exists among recent baccalaureate and university graduates.

No one below the age of 16 may work without the authorization of the Ministries of Labor, Public Health, and Education. This permission is rarely granted. Any work in excess of 40 hours per week must be compensated with overtime pay, and the work week must include a minimum rest of 48 consecutive hours. Pregnant women have the right to 14 weeks of leave during pregnancy, including 6 immediately before delivery. The labor code describes enforcement of occupational health and safety standards, which are established by decree of the Minister of Health.

Women enjoy full legal rights in Gabon, although their influence and overall participation in government is limited by cultural factors. The Gabonese legal system contains many statutes providing specific rights and protection to women, but many are undoubtedly unaware of these provisions. In recent years, women have begun to play an increasing role in the economic, political, and cultural life of the country, particularly in the urban areas. The Government and party have become more sensitized to women's issues, and government and party institutions are actively promoting women's rights. The Ministry of Women's Affairs 1984 budget shows an increase of about 600 percent since 1983. Under the Ministry's auspices, a National Commission for the Promotion of Women was created in 1984 and has recently completed a study on the needs of Gabon's women. It acknowledged that the rural sector lags behind the urban in the promotion and protection of women's rights and encouraged efforts underway to help rural women organize agricultural cooperatives and government programs in basic health care, nutrition, and adult literacy. These programs are largely directed at women. A new journal published by the Ministry of Women's Affairs gives extensive coverage to women in the military and the professions. The party's women's union is active in organizing women's cultural presentations throughout the country.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: GABON

	1983	1984	1985	

I.ECON. ASSIST.-TOTAL...	1.5	1.7	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	1.5	1.7	0.0	
A.AID.....	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0	
B.FOOD FOR PEACE.....	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
TITLE I-TOTAL.....	0.0	0.0	0.0	
REPAY. IN \$-LOANS.....	0.0	0.0	0.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	0.0	0.0	0.0	
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0	
VOL.RELIEF AGENCY.....	0.0	0.0	0.0	
C.OTHER ECON. ASSIST...	1.5	1.7	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	1.5	1.7	0.0	
PEACE CORPS.....	1.5	1.7	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II.MIL. ASSIST.-TOTAL...	1.1	3.1	0.1	
LOANS.....	1.0	3.0	0.0	
GRANTS.....	0.1	0.1	0.1	
A.MAP GRANTS.....	0.0	0.0	0.0	
B.CREDIT FINANCING....	1.0	3.0	0.0	
C.INTL MIL.ED.TRNG....	0.1	0.1	0.1	
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E.OTHER GRANTS.....	0.0	0.0	0.0	
III.TOTAL ECON. & MIL...	2.6	4.3	0.1	
LOANS.....	1.0	3.0	0.0	
GRANTS.....	1.6	1.3	0.1	

OTHER US LOANS.....	7.7	7.4	0.0	
EX-IM BANK LOANS.....	7.7	7.4	0.0	
ALL OTHER.....	0.0	0.0	0.0	

ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	1946-85

TOTAL.....	1.0	0.6	52.6	249.2
IBRD	0.0	0.0	0.0	69.1
IFC	0.0	0.0	0.0	0.0
IDA	0.0	0.0	0.0	0.0
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFOB	0.0	0.0	42.6	60.6
UNDP	1.0	0.6	0.0	18.4
OTHER-UN	0.0	0.0	0.0	1.2
EEC	0.0	0.0	10.0	99.9

THE GAMBIA

A former British colony on the West African Coast, The Gambia is a parliamentary democracy with an elected President. Until the bloody coup attempted in 1981, The Gambia had a history of political stability under the leadership of its first and current President, Sir Dawda Jawara. His ruling People's Progressive Party has dominated the House of Representatives since independence in 1965, but the leading opposition party and independent candidates are also represented and actively participate in the political process. A state of emergency imposed after the July 1981 coup attempt was lifted in February 1985.

Given impetus by the coup and formalized by the Confederation Treaty of 1981 establishing Senegambia, the process of confederation with Senegal continued during 1985, albeit slowly. Important steps were taken during the year to implement the protocols on defense and security. The Gambia gendarmerie has been organized under a Senegalese officer, and the first company trained by British officers has now been integrated with Senegalese troops into a confederal battalion.

The Gambia's population of 725,000 (1984 census) consists largely of subsistence farmers growing rice and groundnuts (peanuts), the country's primary export crop. Drought has affected production of both groundnuts and rice. In 1984, the Government signed a standby agreement with the International Monetary Fund (IMF) to provide badly needed balance of payments and budgetary support, but has had to accept stringent spending and import limitations. Due to a shortage of food experienced early in 1985, many groundnut farmers planted food crops, thus further depleting the Government's anticipated revenues from groundnuts.

With the lifting of the state of emergency in 1985, the human rights climate improved further as The Gambia increasingly returned to normalcy after the shock of the 1981 coup. The coup attempt had been led by leftist elements and supported by a large part of the police field force. It resulted in the deaths of over 800 people. Of the persons eventually brought to trial, 55 were acquitted. An independent judiciary, open courts, established trial procedures, and an appeal process ensured that the accused received a fair trial and due process. There is only one outstanding case arising from the events of July 1981: one of the leaders of the attempted coup was finally apprehended as he was returning home from a four-year, self-imposed exile. His treason trial began in August but has been postponed repeatedly as the courts sought additional evidence.

RESPECT FOR HUMAN RIGHTS**Section 1 Respect for the Integrity of the Person, Including Freedom from:****a. Political Killing**

There have been no instances of political killings in The Gambia in 1985.

b. Disappearance

There is no known record or allegation of abduction or secret detention by any element of the Government or by any other group.

THE GAMBIA

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The constitutional prohibition against torture is observed in practice. No allegations of torture have been noted in 1985.

The Constitution also contains prohibitions against cruel, inhuman, and degrading punishment. Persons familiar with the operation of the legal system believe that courts are alert to any allegation of mistreatment in prisons. These sources also acknowledge, however, that there may be lapses in supervision resulting in individual instances of mistreatment of prisoners. The Government allows prison visits by representatives of the local Red Cross and by close family members.

d. Arbitrary Arrest, Detention, or Exile

Based on British legal practice, there are well developed constitutional and legal procedures governing the arrest, detention, and bringing to trial of persons accused of crimes. Under these procedures, a detained person must be brought to trial within one week. This waiting period, however, can be extended twice, making 21 days the maximum period of detention before trial.

Under the Emergency Act of 1981, the Government could order the detention of any person who was considered to have been involved in acts prejudicial to public safety for up to 14 days without a detention order but with right to legal counsel. The Emergency Act was lifted in February 1985.

It is important to note that the Government scrupulously observed its own laws in handling the 1091 persons detained after the coup attempt and reportedly released numerous detainees against whom strong evidence was in hand and who may still pose a potential danger to the State.

The Labor Administration Act prohibits forced labor.

e. Denial of Fair Public Trial

To date, 62 persons have been sentenced to death--after lengthy public trials observing due process of law--for crimes committed in connection with the 1981 coup attempt. The cases have now gone through appeal and, in each case brought to the President, executive clemency has been granted. No executions have taken place.

Three kinds of law operate in The Gambia: general, Shari'a, and customary law. Shari'a, governing Muslims, is observed in marriage and divorce proceedings. Customary law covers marriage, inheritance, divorce, land tenure and utilization, local tribal government, and all other civil and social relations originating in the traditional religious and tribal situation of the country. General law, based on English statutes and modified to suit the Gambian context, governs criminal cases and trials and most organized business practices. If there were a conflict between general law and Shari'a, general law would prevail.

The Constitution guarantees criminal defendants rights traditional in the English system, such as the right to a public trial, the presumption of innocence, and the right to

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be informed promptly of offense charged. If an accused person is released on bail, the individual need not come to trial until the investigation is completed, and there apparently is no maximum time limit for investigations. Appeals normally proceed from the Supreme (trial) Court to the Court of Appeals, the country's highest tribunal. Under the Emergency Act, the court system in this tiny nation was overwhelmed with the large number of detainees. Consequently, the Government established a special division of the Supreme Court, which included judges and prosecuting and defense attorneys from neighboring English-speaking countries which have the same basic legal system as The Gambia. This unusual step was taken because of a shortage of trained legal personnel in The Gambia, to avoid overwhelming the regular judicial process, and to demonstrate publicly the Government's concern for impartiality.

There are currently no political prisoners in The Gambia. One of the coup leaders of 1981 was arrested in 1985, tried, and sentenced to death. It is expected that execution clemency will be granted as it has been in all other cases arising out of the 1981 coup attempt.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides guarantees, which are respected in practice, against arbitrary search of person and property. The Constitution permits the voluntary submission by the suspect to a search or a mandatory search if the search is reasonably required in the interests of national defense or other public interest. Under the criminal code, search warrants are issued by magistrates upon application by the police, based on probable cause. There are a number of police and military check points in and around Banjul. Drivers are stopped and vehicles searched from time to time.

The rights of family are of extreme importance in this conservative Muslim society. Marriage, the raising of children, and religious instruction are regulated by a combination of personal preference and ethnic and religious tradition. The Government does not intrude in family matters except to protect public safety and morality. There is no effort to censor or control personal correspondence or communications.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Constitution provides guarantees of press freedom. In practical terms The Gambia, with its small, mainly rural, largely illiterate, and multilingual population does not support an active press. There are no daily newspapers. There is a government weekly paper and several intermittently published, mimeographed news sheets. There is a government radio station and also one private commercial station, which broadcasts largely music programs. There is no television in The Gambia, although Senegalese stations can be received. The Government dominates the media through Radio Gambia, but there have been no reported instances of government interference with the commercial radio station. The Government does not attempt to censor published materials whether they originate within or outside the country. Magazines and some newspapers

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from outside the country are available at a few outlets in the capital. The Emergency Act, with its broad powers of detention, had an inhibiting effect on criticism of the Government by independent news sheets.

b. Freedom of Peaceful Assembly and Association

There are no restrictions on freedom of association and assembly in the Constitution. According to available information, no permits for meetings have been denied, but the authorities require meetings to be open to the public.

Trade unions are small and fragmented and remain a minor element in Gambian economic and political life. Less than 20 percent of the workforce is engaged in the industry, commerce, and service sectors, where unions normally are active. The Government has agreed that the general confederation, the Gambian Workers Union, may resume its functions provided it is reregistered. It had been deregistered after an illegal strike in the late 1970's. The union alleges that obstacles have been put in its way when it has sought to reregister, while the Government claims that the union is free to do so at any time. Apparently full union activity remains conditional on filing several reports and rectifying what the government alleges are financial irregularities. Other unions continue to function under basic labor and trade union legislation. Union members have freedom of movement to attend meetings outside the country. The Labor Administration Act specifies that workers are guaranteed freedom of association and the right to organize and to bargain collectively.

c. Freedom of Religion

The constitutional guarantees of freedom of conscience, thought, and religion are observed in practice. The state is secular though Muslims constitute over 90 percent of the population. The schools provide instruction in the Koran for Muslim students. Christians, both Catholic and Protestant, freely practice their religion. There is a small Baha'i community in Banjul. Missionaries are permitted to carry on their various mission-related activities. No evidence of discrimination in employment, education, or in other areas of Gambian life on the grounds of religion has been reported.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution guarantees freedom of movement subject to conditions protecting public safety, health, and morals. There is no restriction on freedom of emigration or freedom of return. Internally, police and military checkpoints exist in and around Banjul. There is no evidence that police harass travelers.

Because of historic and ethnic ties with the people of Senegal, Guinea-Bissau, Guinea, and Mali, people tend to move unregulated across borders, which are poorly marked and difficult to police. Under the Confederation Treaty of 1981, neither Gambians nor Senegalese need passports or visas to travel to the other country. Early in 1985, some 600 Gambians were among the vast number of illegal aliens expelled by Nigeria. Their return has had no noticeable impact. With the change of regime in Guinea (Conakry) there is evidence that many Guineans formerly resident in The Gambia are returning to Guinea.

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

The Government is elected by citizens 18 years of age and older; the chief executive official (the President) and the members of the legislature (House of Representatives) are popularly elected, as are the district councils and the chiefs who exercise traditional authority in the villages and compounds. A functioning multiparty system exists in The Gambia, even though the People's Progressive Party has been in power since independence. The principal opposition party, the National Convention Party, contests national and district elections. Other opposition parties contest the Presidency and other offices on a selected basis. Independents have run for and won legislative seats. There have not been any serious allegations of election fraud, but the opposition believed the 1983 district elections would be fixed and chose to boycott rather than contest the elections. The government party currently holds 35 of 43 seats in the House of Representatives, and the opposition is not able to defeat or modify significant legislation. Nevertheless, debate is open, and accepted parliamentary procedures are observed.

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

The Government permits visits of international human rights organizations to observe the conditions of the detainees and the trial process. There have been no requests by such organizations for investigation of alleged human rights abuses in The Gambia during the past year. Amnesty International's main concerns, as expressed in its 1985 report (covering 1984), were largely overtaken by events in 1984 and 1985, e.g., commutation of death sentences for persons involved in the 1984 coup. Freedom House rates The Gambia "partly free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The Gambia is a poor, largely agricultural nation with a population of 751,000 people (1985). Almost 83 percent of the people live in rural areas. The population growth rate is 3.5 percent a year. Per capita gross national product (1984) is \$360 a year.

The Gambia depends on one major crop, groundnuts, for foreign exchange; this is subject to the vagaries of weather and world market conditions. There is also considerable unofficial entrepot activity across Gambia's porous borders. The population consists mostly of subsistence farmers who are not able to satisfy The Gambia's food requirements. As a result, the Government has relied heavily on external food assistance in recent years and on foreign assistance to fund a 5-year development plan which emphasizes crop diversification and greater agricultural productivity. The Government's ability to absorb and administer the assistance has been hampered by a lack of facilities and trained personnel.

Life expectancy at birth is 40 years (1985); and the infant mortality rate is a high 191 per 1,000 live births. Access to safe water is limited almost exclusively to the few urban areas (85 percent in 1980). Rural population access to safe water was only three percent in 1970. The ratio of caloric supply available for consumption relative to nutritional requirements was 93 percent in 1977. The adult literacy rate is 20 percent (1984).

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Approximately 51 percent (1983) of eligible children attend primary school (males 64 percent, females 37 percent). The new Gambia College provides postsecondary training leading to certificates in teaching, agriculture, and nursing, but there is no university-level institution in The Gambia.

The minimum age for employment is 18, at which age a prospective employee is authorized a labor card. The prohibition on child labor does not apply to customary chores on family farms. Minimum wages and hours of work are determined by the Joint Industrial Council, pursuant to the Labor Administration Act, which has representation from employees, employers, and government. Occupational safety and health are covered by the Factory Act under which the Minister of Labor is given authority to regulate factory health and safety, accident prevention, and dangerous trades and to appoint inspectors to ensure compliance.

Most people are Muslim and live in villages. While individual initiative and choice are valued, rights and privileges are generally perceived to reside in the group rather than in the individual. Though they are changing, traditional values remain strong. Education of women is on the rise, and women participate increasingly in the professions and in political life. Marriages are still often arranged, but there is growing freedom of personal choice. Family planning, focused on the health and welfare of mother and child, remains controversial but is gaining acceptance. There is a Women's Bureau in the Office of the President which actively promotes debate on women's issues.

U.S. OVERSEAS - LOANS AND GRANTS - OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S. FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: GAMBIA, THE	1983	1984	1985	
I. ECON. ASSIST.-TOTAL...	5.1	7.9	8.4	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	5.1	7.9	8.4	
A. AID	3.9	3.7	5.8	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	3.9	3.7	5.8	
(SEC. SUPP. ASSIST.)...	0.0	0.0	0.0	
B. FOOD FOR PEACE.....	0.4	3.3	2.6	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.4	3.3	2.6	
TITLE I-TOTAL.....	0.0	0.0	0.0	
REPAY. IN \$-LOANS.....	0.0	0.0	0.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	0.4	3.3	2.6	
E. RELIEF, EC. DEV & WFP.	0.0	2.1	1.9	
VOL. RELIEF AGENCY.....	0.4	1.2	0.7	
C. OTHER ECON. ASSIST...	0.8	0.9	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.8	0.9	0.0	
PEACE CORPS.....	0.8	0.9	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II. MIL. ASSIST.-TOTAL...	0.0	0.0	0.1	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.1	
A. MAP GRANTS.....	0.0	0.0	0.0	
B. CREDIT FINANCING....	0.0	0.0	0.0	
C. INTL MIL. ED. TRNG....	0.0	0.0	0.1	
D. TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E. OTHER GRANTS.....	0.0	0.0	0.0	
III. TOTAL ECON. & MIL...	5.1	7.9	8.5	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	5.1	7.9	8.5	
OTHER US LOANS.....	0.0	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	0.0	0.0	
ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	1946-85
TOTAL.....	21.8	24.2	0.0	124.0
IBRD	0.0	0.0	0.0	0.0
IFC	0.0	3.0	0.0	3.0
IDA	0.0	20.9	0.0	56.3
IDB	0.0	0.0	0.0	0.0
AOB	0.0	0.0	0.0	0.0
AFDB	17.7	0.0	0.0	51.9
UNDP	3.7	0.3	0.0	11.0
OTHER-UN	0.4	0.0	0.0	1.8
EEC	0.0	0.0	0.0	0.0

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Ghana is governed by the Provisional National Defense Council (PNDC) under the Chairmanship of Flight Lieutenant Jerry Rawlings, who seized power from the previous elected Government on December 31, 1981. Under the Establishment Proclamation issued January 11, 1982, the Council exercises "all powers of government." In practice, government policy is developed by Chairman Rawlings assisted by a number of close advisers, both inside and outside government. The Council was recently expanded to 10 members and now includes, aside from the chairman (the lone survivor of the 7 original members), 2 recently added military officers and 7 civilians (including 2 women and 1 ex-military). A Cabinet composed of the secretaries (ministers) of various departments conducts the day-to-day activity of the Government. A network of Committees for the Defense of the Revolution (CDR) is designed as a channel to transmit government policies to the citizen and citizen concerns to the Government.

Despite a period of violence and confrontation in 1982, the Government has been generally successful in its efforts to defend itself against violent overthrow without adopting draconian controls over the population. Nevertheless, outspoken criticism of the Government has occasionally resulted in detention of the critic, creating an atmosphere conducive to self-censorship. Most coup attempts have come primarily from members and former members of the armed forces. At least two dissident incidents were reported in 1984.

In 1983, the Government adopted an exceptionally austere economic recovery program in an effort to redress a quarter century of economic mismanagement and political instability, which caused Ghana to decline from one of Africa's most promising states to a condition of economic collapse and poverty. Remedial measures have included a more than 1,000 percent devaluation, severe structural readjustments, and an emphasis on spending for rural rather than urban projects. Conducted in concert with the International Monetary Fund, the 3-year recovery program has begun to have a positive effect and has attracted support from foreign donors, including the United States and international financial institutions. The economic growth rate is expected to make a third consecutive positive showing in 1985. Pre-1983 triple digit inflation has been reduced to under 20 percent.

On the whole, some positive trends in human rights, which were first identified in the second half of 1983, continued during 1985. However, there are no elections to national governing bodies and no legal means by which citizens can freely and peacefully change their laws, officials, or form of government. The most noticeable improvement in human rights has been the restoration of civil order after an initial 18 months of revolutionary excess in 1982 and 1983. Discipline has been restored in the uniformed services and the police, as well as among military political cadres. The courts have been allowed to continue to operate relatively free of executive interference. The principal impediment to the free exercise of human rights remains the absence of constitutionally sanctioned protection of those rights. The potential for arbitrary deprivation of liberty is demonstrated by continuing instances of incarceration without formal charges. A system of public tribunals, which parallels the regular courts,

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failed to enforce procedural safeguards adequate enough to constitute acceptable due process. Although the Government is studying means of restoring a democratic system, there is still no guarantee of elections nor are there any current plans to provide for a relaxation of government control of the main national newspapers and broadcast news.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

No killing was reported in which there was evidence of political motivation or governmental instigation.

b. Disappearance

No disappearance traceable to government action or to nongovernmental or opposition forces was reported in 1985, for the second successive year.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Twice during 1985, the Government acknowledged that some members of the armed forces beat persons detained by them. In one of the cases the victim later died, apparently of injuries sustained while in custody. In neither case was anyone reported to have been disciplined. In another case, however, a soldier was convicted and later executed for crimes committed against civilians. No other allegations of torture or cruel treatment were reported in 1985. During the year, six people were executed upon conviction by tribunals of offenses that were essentially of an economic, "white collar", anticorruption nature. The Government has continued to improve prison conditions and alleviate crowding. Service organizations and family members are permitted to provide for prisoners, and there are regular church services.

d. Arbitrary Arrest, Detention, or Exile

Ghanaian security forces occasionally take persons into custody, sometimes late at night, secretly, with or without a warrant, and hold them incommunicado for months. Some of those so detained are said by government officials to have committed crimes, although the only "offense" of which they are known to be "guilty" is the expression of views critical of or different from those of the Government. When the Ghana Bar Association has attempted to free some of these persons through writs of habeas corpus, the PNDC has either stood aside and permitted their release or has interposed ex post facto preventive custody orders barring their release and citing national security considerations as justification.

Except for these persons, detentions are normally performed according to due process of law and subject to a functioning bail system. The criminal code requires that an arrested person be brought before a court within 48 hours. Some writs of habeas corpus continued to be granted in 1985, but habeas corpus is limited by a 1984 law which prevents any court from inquiring into the grounds for the detention of any Ghanaian detained under PNDC Law 2 (the law setting up a national

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investigation committee, and giving that committee power to investigate virtually any allegation referred to it by the PNDC).

Although the Government does not announce detentions or releases, it appears that the number of prisoners in detention without due process fluctuated in 1985. A March amnesty of 202 prisoners included 2 former ministers; and on January 9, 1986, the last former minister being detained was released on bail. In the latter half of 1985, at least 5, and perhaps as many as 20, persons were arbitrarily detained, though 7 of these detainees were released in late November. Among the detainees were at least two who had been released in 1984, after a previous period of detention. Including some of those just incarcerated, a list of uncharged detainees published in a weekly newspaper in August contained 17 names. However, a government official claimed, also in August, that there were no political prisoners since those in detention were guilty of crimes (although they had not yet been tried). Amnesty International has adopted as a "prisoner of conscience" a Ghanaian who was sentenced by a public tribunal to 16 years in prison for complicity in a November 1982 coup attempt.

Ghana prohibits forced labor, except in terms of military draft and labor following court conviction.

e. Denial of Fair Public Trial

Traditional legal safeguards remain available in the established court system, which includes High Courts, Appeals Courts, and a Supreme Court headed by a Chief Justice. In 1982, the Government also established a new set of judicial bodies which parallels the older court system. These organs include the Office of Revenue Commissioners, the National Investigations Committee, the Special Military Tribunal, and the Public Tribunals Board, as well as Public Tribunals, which exist at the national and regional levels and are planned for districts and communities. In 1985, a National Appeals Tribunal came into existence to hear appeals from the Public Tribunals. The Government's announced purpose in establishing the tribunals was to provide justice more quickly to more people with less corruption. Critics contend that the tribunal system still depends largely on judges with little or no legal experience, that it shortcuts legal safeguards in an effort to speed proceedings, and that it creates opportunities for corruption because of ambiguities concerning the jurisdictions of the tribunals and that of the courts. In 1985, the Government also approved the creation of a legal aid program, but it is still in the preimplementation stage.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

A person in Ghana is, for the most part, free of interference by the State in his or her private conduct. For example, membership in organizations such as the Committees for the Defense of the Revolution is voluntary. The monitoring of telephones and mail occurs rarely, if at all. Forced entry into homes has been reported in connection with security investigations. Informers exist but informer systems, so far as is known, do not. There is no forced resettlement of populations, no interference with the right to marry or to have children, and no effort to prevent parents

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from teaching their children religious practices, either at home or by public means.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The freedoms of speech and the press guaranteed by the 1979 Constitution stand abrogated, but the PNDC chairman has publicly encouraged people to speak out on community concerns. The Government owns the radio and television stations, as well as the two principal daily newspapers. Several privately owned newspapers have been relatively bold in their news coverage and editorial comment. Nevertheless, in early 1985 one private weekly suspended publication for several issues under government orders; the editor and the publisher of another weekly were beaten for publishing an erroneous story (although the Government subsequently apologized); the publisher of another weekly was imprisoned in July without charges and released in November; and the Government has occasionally limited supplies of newsprint available to the independent press. In December, the Government banned publication of the Catholic Standard, a church newspaper known for its independent stand on human rights and other issues. The press generally avoids criticism of the revolution or of Chairman Rawlings and focuses instead on uncovering instances of waste, fraud, and mismanagement, even when they involve relatively high-level officials. Academic freedom tends to be respected. Private organizations voice occasional dissent from official policies.

b. Freedom of Peaceful Assembly and Association

Individuals are generally free to join together formally or informally to promote nonviolent causes, but restrictions remain on association for the purpose of protesting government policies. Political meetings are banned. Permits are required for public meetings but are routinely given except when the meeting has an overtly political purpose.

In 1985, the Trades Union Congress (TUC) continued to be led by officials freely elected in December 1983. The TUC is associated with the International Labor Organization and the Organization of African Trade Union Unity which has its headquarters in Accra. The right to strike is recognized in law and in practice in Ghana. Ghanaian trade unions freely engage in collective bargaining with both private sector and state-owned enterprises, though in the latter category there is indication that the Government has recently used brief detention and threats against union leaders to force agreement on an issue involving a state-owned enterprise.

c. Freedom of Religion

There is no state favored religion and no restriction on the exercise of religion or on contacts with others of the same faith. Most Ghanaians, including senior government officials, are practicing members of a religious group. Foreign missionary groups operate freely throughout the country. In 1985, the PNDC chairman publicly criticized the leaders of one of the major religious denominations for disciplining two priests. His criticism has been echoed in sometimes virulent attacks on the church in government-owned newspapers, especially for alleged political misuse of the pulpit.

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d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

People are free to move from one part of the country to another without special permission. Since 1983, diplomats have been required to give 48 hours notice before traveling outside the greater Accra region. Roadblocks continue to exist for the prevention of smuggling but are less obtrusive than in 1984.

As members of the Economic Community of West African States, Ghanaians are free to travel for up to 90 days in West Africa. Ghanaians are generally free to exercise this right, and nationals of other member states are free to travel to Ghana. The major restraint on travel by Ghanaians is the lack of foreign exchange. Ghanaians are also free to emigrate or to be repatriated from other countries. If they are considered a security threat, then special permission must be obtained. In 1985, approximately 100,000 Ghanaians returned home, having been expelled by Nigeria. Passports are prized, and their issuance is frequently long delayed.

In August 1985, the Government deported four expatriates, three of whom had either lived in Ghana many years or had Ghanaian spouses and children. None of the four was given a hearing.

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

The PNDC under Chairman Rawlings exercises total executive, legislative, judicial, and administrative power in Ghana (PNDC Law 42). There are no elections to governing organs and no current procedure by which citizens can freely and peacefully change their laws, officials, or form of government. However, Chairman Rawlings' appointments to the PNDC continue to reflect a variety of views. A panel to design new democratic structures to replace Ghana's existing provisional system is currently at work, but has yet to publish any of its deliberations or a timetable. It has, however, published some papers presented to it by various experts. Efforts to give substance to the revolutionary slogan, "power to the people," include elections for leadership positions at the local level to the Committees for the Defense of the Revolution (CDR). These efforts are supposed to culminate in July 1986 with a national CDR conference. Thus far, indications suggest that these CDR elections have been relatively free and open. No claim is made by the Ghana Government, however, that these Committees are meant to take the place of either elected local or national governing bodies.

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

The Government continued to permit international organizations to send representatives to Ghana to inquire into the human rights situation. A representative of the International Committee of the Red Cross continued regular prison visits and the Ghana chapter of Amnesty International held another conference on humanitarian law. Though Ghanaian officials received members of foreign diplomatic missions for intensive discussions of human rights, the Government is sensitive to any implication that its decisions on human rights can be

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affected by external or internal pressures. Internal bodies concerned with human rights tend to be objective but not especially vocal or effective in their reporting. Nevertheless, various independent groups and organizations have worked for and sometimes succeeded in gaining the release of some persons from custody. Official human rights matters are handled by the Minister of Foreign Affairs, although inquiries may be answered at various levels, including cabinet secretaries. Amnesty International in its 1985 Report was concerned about the imprisonment of prisoners of conscience and the detention without trial of people held on political grounds. It noted that a number of people, apparently suspected of trying to overthrow the Government in 1984, were reportedly executed by the security forces without trial. Freedom House rated Ghana "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Ghana is a developing country with a population of 12.8 million. The population growth rate is 3.1 percent (1985). The per capita gross national product was estimated at \$310 in 1983. Ghana has a mixed economy. The Government owns enterprises in the agricultural, mining, and manufacturing sectors; most productive agricultural enterprises, including those in the key cocoa sector, are owned by small farmers. The Government maintains a monopoly over the purchase and export of cocoa, coffee, shea nuts, and cotton. The private trading sector is also substantial, but the Government has favored the state-owned companies in national procurement and distribution.

Ghana's austere economic recovery program has met its targets and is supported by the International Monetary Fund, the World Bank, and primary Western donors, including the U.S.. The recovery program features a devaluation of Ghana's currency by over 1,000 percent; establishment of producer and export incentives, including increased prices to cocoa and coffee farmers; the gradual elimination of subsidies on utilities and petroleum products; budgetary stringency; and an emphasis upon improving the standard of living in rural areas. The recovery program is showing signs of success. Real gross domestic product, measured in local currency, grew at an estimated 0.7 percent rate in 1983, 7.6 percent in 1984, and an estimated 5 percent in 1985. Triple digit inflation fell to approximately 40 percent in 1984 and to an estimated 20 percent in 1985. The Government's work with the international community in 1983-84 to overcome a major drought and food crisis succeeded so well that in 1985 Ghana was able to export surplus maize to Burkina Faso and Mali.

Life expectancy at birth is 58.9 years, and the infant mortality rate in 1985 was estimated at 97 per 1,000 live births. In 1980, 47 percent of the population had access to safe drinking water (72 percent of the urban population). A renewed emphasis is now being placed on creating and improving wells in rural areas, particularly in the northern regions. In 1970, the adult literacy rate was estimated to be 30.2 percent, with the male rate at 43.1 and the female at 18.4 percent. The difference can be partly attributed to a traditional preference for educating male over female children. Current literacy rates are not available, but 1982 primary school enrollment ratios indicated improvement in access to education, with a primary school enrollment ratio of 76 percent, (85 percent for boys and 66 percent for girls).

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Working conditions in Ghana are governed by labor legislation which specifically prohibits forced labor, sets a minimum age for the employment of minors (15), and prohibits night work and certain types of hazardous employment for those under 18 years of age. Government directives also establish a minimum wage and, through both directives and union contracts, the normal hours of work are defined in terms of a 40 hour week. Labor legislation also provides for labor inspectors and gives them the power to order the alteration or closing of any work site "to avert any threat to the health or safety of the workers."

Women's rights in business, the civil service, and the home have long been well established and respected. Two women are among the 10 members of the ruling PNDC. There is one female cabinet member and at least six women are in subcabinet positions. Although women in urban centers and those who have entered modern society encounter little bias in most endeavors, role pressures do exist. Women in the rural agricultural sector remain subject to the constraints associated with traditional male-dominant mores, in spite of efforts by the Government and more enlightened elements in the society to curtail such practices. In the past year, the Government has promulgated four laws which will overturn many of the customary traditional and colonial laws which discriminate against women. The four laws cover head of family accountability, intestate succession, customary divorce registrations, and the administration of estates.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: GHANA

	1983	1984	1985
I.ECON. ASSIST.-TOTAL...	7.3	20.2	23.9
LOANS.....	0.0	0.0	9.0
GRANTS.....	7.3	20.2	14.9
A.AID	0.0	0.0	2.4
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	2.4
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	5.1	13.8	21.5
LOANS.....	0.0	0.0	9.0
GRANTS.....	5.1	13.8	12.5
TITLE I-TOTAL.....	0.0	0.0	9.0
REPAY. IN \$-LOANS.....	0.0	0.0	9.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	5.1	18.8	12.5
E.RELIEF.EC.DEV & WFP.	1.2	1.3	5.1
VCL.RELIEF.AGENCY.....	3.9	17.0	7.4
C.OTHER ECON. ASSIST...	2.2	1.4	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	2.2	1.4	0.0
PEACE CORPS.....	2.2	1.4	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.3	0.2	0.3
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.3	0.2	0.3
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.3	0.2	0.3
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	7.6	20.4	24.2
LOANS.....	0.0	0.0	9.0
GRANTS.....	7.6	20.4	15.2
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0
ASSISTANCE FROM INTERNATIONAL AGENCIES			
	1983	1984	1985
TOTAL.....	74.9	218.9	190.3
IBRD	0.0	0.0	0.0
IFC	0.0	60.0	0.0
IDA	73.3	125.0	122.0
IOB	0.0	0.0	0.0
ADB	0.0	0.0	0.0
AFOB	0.0	30.9	59.7
UNDP	1.6	3.0	0.0
OTHER-UN	0.0	0.0	8.6
EEC	0.0	0.0	0.0
			1946-85
TOTAL.....			983.3
IBRD			190.5
IFC			60.0
IDA			528.1
IOB			0.0
ADB			0.0
AFOB			120.1
UNDP			47.0
OTHER-UN			21.6
EEC			16.0

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Since coming to power in a bloodless coup on April 3, 1984, the ruling Military Committee for National Redress (CMRN), headed by President Lansana Conte, has sought to portray itself as the antithesis of the previous regime led by Ahmed Sekou Toure. Its positive approach on human rights practices has in fact provided the CMRN with much of its legitimacy so far. While this approach is represented more in the relaxation of authoritarian controls than in the establishment of functioning due process or political participation, the Government's actions and attitudes in 1985 created an atmosphere in which human rights considerations were commanding greater attention. President Conte and his CMRN associates weathered a major coup attempt on July 4, 1985, by ex-prime minister Colonel Diarra Traore and his supporters who claimed the Government had failed to meet the serious economic crisis.

The Government has identified economic recovery as its number one priority and has indicated that national-level political development must wait. Meanwhile, the Government has created special tribunals--one military and the other civilian--to try those persons who have been charged with crimes against the internal and external security of the State. No trials have yet been announced under these courts, and rumors of secret executions of some members of the Sekou Toure regime and of the 1985 coup plotters continue to circulate despite government denials. The Government has yet to announce any plans to allow for the formation of political parties or an eventual transfer of power to civilians.

The economic situation, which the CMRN inherited and is trying to improve, is bleak. Despite abundant natural wealth, Guinea, after 26 years of centralized and corrupt rule, continues to be an extreme example of poverty and underdevelopment. Its agriculture, mostly at the subsistence level, provides a livelihood for over 80 percent of the population. The modern sector consists of a few mining operations, which produce nearly all of Guinea's foreign exchange, and various uneconomic state-owned enterprises, most of which are now slated for immediate privatization. With assistance from the International Monetary Fund (IMF), World Bank, and other donors, Guinea has embarked upon a plan to restructure the entire economy, including inducements to foreign investment and incentives for food production.

Government respect for human rights in 1985 continued to show improvement over the dismal record of the past quarter century. During Independence Day ceremonies on October 2, President Conte was given an award for justice and liberty from the International Committee for Justice and Liberty. In accepting the award, Conte pledged further improvement.

RESPECT FOR HUMAN RIGHTS**Section 1 Respect for the Integrity of the Person, Including Freedom from:****a. Political Killing**

According to the Government, 19 people were killed and 220 wounded on the night of July 4, 1985, during the exchange of fire between rebellious elements loyal to the former prime minister and forces remaining faithful to President Lansana Conte. The casualties reportedly included innocent

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bystanders. Despite considerable local sentiment in favor of summarily executing Traore and his followers, the Government asserts that no such executions have taken place. In his July 7 speech, President Conte threatened summary justice for Traore and the others, but he also appealed to world opinion to intercede on the plotters' behalf "before it is too late." His appeal was answered immediately with interventions by several Western and African governments as well as by international human rights organizations and private observers, requesting the Government to ensure due process of law for those accused of coup plotting. On August 13, the Government announced the formation of two courts of justice--one military and the other civilian--charged with dispensing justice respectively to soldiers and civilians accused of crimes against the security of the state. However, there has been no indication that these courts have carried out their mandates.

b. Disappearance

While the state security apparatus of the Ahmed Sekou Toure regime has been largely dismantled, some of its practices linger on. As a result, many people who are arrested seem to disappear, since information about their arrest is not usually released. These practices, combined with poor communication facilities, leave relatives of detainees uninformed when arrests take place, although eventually there is usually a delayed official acknowledgment of arrest or detention. Politically motivated abductions and disappearances no longer take place.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Since coming to power in April 1984, the Government has repeatedly condemned the cruel and inhumane practices of the Toure government. However, most police and Gendarmerie officers are poorly educated, trained, equipped, paid, and supervised, and rough handling of prisoners occurs. The prisons are squalid and unsanitary.

For the common criminal suspect, due to shortcomings of law enforcement forces, there may be a considerable incidence of minor abuse. Newspaper accounts and editorials have complained of police arrogance and injustice, and the Government continues to express concern over enforcement of police codes of conduct. Though the same types of abuses occurred during the previous regime, the motivation was more commonly political, and the consequences more severe for detainees. The fact that most Guineans no longer fear arrest for expressing political views denotes substantial improvement.

d. Arbitrary Arrest, Detention, or Exile

From April 1984 to the end of 1985, former leaders of the Sekou Toure government, some Toure family members, and a few military officers have been detained without any known judicial process. At least until the July coup attempt, they were reportedly confined in the outlying city of Kindia and provided a satisfactory diet, medications when necessary, and occasional family visits. In May, 30 of these detainees were released along with 41 military officers who had been arrested in connection with a coup plot alleged to have been planned in late 1984. However, some of these persons were

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rearrested in the aftermath of the July 4, 1985, coup attempt. Ten of those rearrested were set free without public notice in September.

Since July 1985, the whereabouts and prisons conditions of the Toure regime prisoners and of the 1985 coup suspects are not known. There is still no indication of the number and/or identities of those arrested for their alleged part in the coup attempt of July 4. The whole process of arrest, interrogation, and release, or further detention of the coup suspects has become shrouded in secrecy. There have been reports that some of these arrests were arbitrary. Most of those detained, however, were released between July 5 and 20, 1985.

Compulsory labor is prohibited and not practiced in Guinea.

e. Denial of Fair Public Trial

Guinea is still in the early stage of establishing an independent judicial system, which on paper includes internationally accepted safeguards for the accused and guarantees of due process. While judges are no longer appointed on the basis of ideology, they are poorly paid and inexperienced. With the establishment on August 13 of special tribunals to hear cases of crimes against state security, the public has been given notice that those accused of such crimes will be accorded due process. Fair trials have long been promised for the earlier group of political prisoners (i.e. those detained for their alleged excesses as officials of the Sekou Toure regime). Their cases remain under investigation and are proceeding slowly, with no publicity so far.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The current regime stresses the inviolability of the home, but there are, as yet, no specific legal or constitutional safeguards. There are no safeguards for privacy, and the mail and telephones of foreigners are likely to be monitored. The CMRN seem, however, less willing to abuse its police powers than its predecessor. In the fall, the Government publicly reprimanded law enforcement officials who were overzealous in enforcing a nighttime curfew against loiterers by arbitrary arrests and abusive acts.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Despite the changed climate, after 26 years of totalitarian rule, many Guineans remain hesitant to speak their minds on sensitive issues. A tradition of self-censorship limits personal criticism of government leaders, but constructive criticism of the implementation of government policies is accepted without fear of retribution. The Government's attitude toward freedom of the press is still unclear. The only newspaper available in Guinea, Horoya, is government-owned and published three times weekly. It contains virtually no criticism of the CMRN and little hard news on domestic affairs. An irregularly issued news magazine, Fonike, began to be published by the Government in November with in-depth articles on domestic issues, in which the opinions expressed did not necessarily follow official

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statements. The Government operates radio and television stations which, although similarly uncritical of the CMRN, carry more substantial news concerning Guinean national events. In contrast to the situation under the previous regime, foreign books and magazines are now available, albeit in limited supply.

b. Freedom of Peaceful Assembly and Association

The Government permits all public meetings except those of a political nature. The most common form of voluntary association is trade-related. An example is the loosely organized Conakry Merchants Association, a group which met and debated economic policy with President Conte in July. By presidential decree, Conte granted permission to form the government-sponsored Chamber of Commerce. For the first time since 1958, service organizations, such as the Rotary, are also permitted to hold meetings.

In January, the National Confederation of Guinean Labor (CNTG) held nationwide elections which indicates movement toward a genuinely autonomous labor organization. Each of the nation's 17 trade unions elected its own officers, who in turn elected a CNTG executive board. These elections were reportedly free and fair, as suggested by the considerable turnover in union leadership. Membership in trade unions is now voluntary.

The CNTG, continually short of money, has sought assistance from all fraternal trade union movements. The CNTG maintains relations with recognized regional and international bodies and regularly sends representatives to their meetings. Guinea's delegates to the International Labor Organization (ILO) indicated Guinea's willingness to comply with international labor conventions but noted that progress on the labor scene in Guinea would hinge upon the outcome of the nation's economic recovery and development programs.

A draft of the new labor code guarantees the right to strike, but the code had not yet been promulgated in 1985.

c. Freedom of Religion

Most of the population is Muslim, but some are Christians or animists. Guinea has no official religion but often identifies itself with the Islamic world and is a member of the Islamic Conference. All religions have the right to establish places of worship and maintain links with coreligionists in other countries. The Government, which includes a Ministry of Religious Affairs, has declared both Muslim and Christian holy days as public holidays. It also subsidized Muslim and Christian pilgrimages in 1985.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Occasionally there is petty harassment by police at roadside checkpoints in an effort to augment salaries. All citizens and foreign residents are required to carry identity cards. In early 1985, the Government reinstated the previous government's practice of requiring all foreigners to have a laissez passer for travel into the interior. Although this regulation is still in effect, it is not strictly enforced.

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Most of the estimated 1.5 million Guineans who fled overseas during the Sekou Toure era have not yet returned, although free to do so. They appear to be awaiting the results of the economic reform program. Foreign travel involves considerable red tape for the prospective traveler; however, there are no unusual restrictions. Many Guineans with relatives abroad are now free to travel to neighboring countries. Foreigners are subject to passport/visa controls for entry into nor for exit from the country.

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

Since independence, Guinea has had no democratic tradition, and there has been no provision for political parties or formal opposition to the regime in power. After wholesale cabinet changes and recent adjustments made in the wake of the July 4 coup attempt, Guinea's legislative and executive powers rest in the 17-member Military Committee for National Redress (CMRN), led by President Conte. CMRN members also fill ministerial portfolios. The cabinet, however, was reshuffled on December 22, 1985, with the result that 19 of the 31 ministers are civilians. The CMRN has also appointed officials at the local and intermediate levels of government. Recognizing the potential in the country for ethnic cleavages, the CMRN has attempted to strike a reasonable balance among the major groupings as they are represented in the Government. The CMRN provides some limited avenues of dissent through public meetings in Conakry and by sending its members up country to hold town meetings in the various provincial capitals.

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

The CMRN has gone out of its way to stress its new approach on human rights, which included, in 1984, a much publicized Amnesty International visit to Guinea. In January 1985, Guinea received an official visitor from the Frankfurt-based International League of Human Rights, who subsequently was quoted as describing the new Government as open-minded and respectful of human rights. Amnesty International, in its 1985 report, details the positive changes that took place in 1984. Freedom House rates Guinea as "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Guinea's population is approximately 5.6 million (1985) and continues to grow at a rate of at least 2.4 percent per year while food crop production is expanding at a rate of only 1.7 percent annually. Its per capita gross national product reached \$300 in 1983. About 80 percent of the labor force is employed in subsistence agriculture. Traders, artisans, government and quasi-government (state enterprises and joint ventures) employees make up the urban labor force. A government-subsidized rationing system has been abolished and commodities, particularly rice and fuel, are being sold at prices approaching free market levels.

Since it assumed power in April 1984, the CMRN has committed itself to a major economic liberalization program. The Government, with the technical assistance of the United Nations, has adopted an Interim National Development Plan for

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the period 1985-87 to direct limited resources to priority projects which support, among other things, small farmer agriculture. It has also negotiated with the World Bank and the IMF for financial assistance to introduce major fiscal and monetary reforms which will encourage foreign investment and private enterprise. In 1985, President Conte closed the six nationalized banks and announced the establishment of three private banks. A new foreign exchange system more accurately reflecting the value of the local currency was established.

In 1985, the life expectancy at birth was 37.3 years and the infant mortality rate 158 per 1,000 live births. The calorie supply is estimated at 80 percent of requirements. According to 1980 statistics, only 17 percent of the population has access to safe water (69 percent of the urban and only 2 percent of the rural population). The literacy rate is about 20 percent in French. Primary school enrollment of eligible children was 30 percent in 1980 (females 20 percent, males 38 percent). In May, the Ministry of Labor and Social Affairs created a nonprofit private family planning organization, l'Association Guineenne Pour Le Bien-Etre Familiale, to promote family planning and maternal and child health care.

There is no minimum age for employment. By accepted practice, children under the age of 17 are not usually employed outside the family. An exception is in the area of subsistence agriculture where farming is traditionally a family affair. There is no formal labor code, but one is being drafted. Actual working conditions in Guinea are more a function of the country's level of economic development than of enforcement or nonenforcement of labor statutes.

Women in Guinea enjoy a special status which has grown out of the political role they played in the preindependence period. The Sekou Toure regime stressed the role of women in the economy and society and in Guinea's political life, a legacy which continues under the current Government. The Ministry of Labor and Social Welfare is headed by a woman doctor and contains an active office of women's affairs. The majority of students enrolled in the national college of medicine are women. Market women wield substantial influence, as was demonstrated by the catalytic role they played in changing the economic policies of the Toure regime.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: GUINEA	1983	1984	1985	
I.ECON. ASSIST.-TOTAL...	7.0	6.6	9.7	
LOANS.....	4.8	4.8	5.7	
GRANTS.....	2.2	1.8	4.0	
A.AID	2.0	1.7	4.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	2.0	1.7	4.0	
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0	
B.FOOD FOR PEACE.....	5.0	4.9	5.7	
LOANS.....	4.8	4.8	5.7	
GRANTS.....	0.2	0.1	0.0	
TITLE I-TOTAL.....	4.8	4.8	5.7	
REPAY. IN \$-LOANS.....	4.8	4.8	5.7	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	0.2	0.1	0.0	
E.RELIEF.EC.DEV & WFP.	0.2	0.1	0.0	
VOL.RELIEF AGENCY.....	0.0	0.0	0.0	
C.OTHER ECON. ASSIST...	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
PEACE CORPS.....	0.0	0.0	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II.MIL. ASSIST.-TOTAL...	0.0	1.6	3.1	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	1.6	3.1	
A.MAP GRANTS.....	0.0	1.5	3.0	
B.CREDIT FINANCING....	0.0	0.0	0.0	
C.INTL MIL.ED.TRNG....	0.0	0.1	0.1	
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E.OTHER GRANTS.....	0.0	0.0	0.0	
III.TOTAL ECON. & MIL...	7.0	8.2	12.8	
LOANS.....	4.8	4.8	5.7	
GRANTS.....	2.2	3.4	7.1	
OTHER US LOANS.....	0.0	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	0.0	0.0	
ASSISTANCE FROM INTERNATIONAL AGENCIES	1983	1984	1985	1946-85
TOTAL.....	57.5	94.8	54.5	548.5
I3RD	0.0	0.0	0.0	73.5
IFC	16.1	0.0	0.0	16.1
IDA	24.0	46.7	17.5	219.2
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFOB	14.3	44.9	27.6	117.2
UNDP	3.1	3.2	0.0	59.6
OTHER-UN	0.0	0.0	1.9	11.0
EEC	0.0	0.0	7.5	51.9

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Despite a return to a form of constitutional government in 1984, effective political power in Guinea-Bissau remains concentrated in the hands of the Council of State and President Joao Bernardo Vieira, who currently serves as Head of State, Head of Government, Armed Forces Commander-in-Chief, and Secretary-General of the only legal party, The African Party for the Independence of Guinea and Cape Verde. The Council of State includes five military men and four former members of the now defunct Revolutionary Council. All Council members are also members of the party's political and/or central committee.

Opposition political activity is not permitted. Under the May 1984 Constitution, the party is "the guiding political force of Guinea-Bissau society and the state." Elections at the district, regional, and national level, such as the 1984 election of the 150-member National Assembly, are controlled by the party. The armed forces remain the dominant element in state security and in the new Constitution are responsible for the maintenance of internal security and public order.

Guinea-Bissau's colonial heritage and statist economic, financial, and commercial policies have severely restricted growth and the exploitation of natural resources. All economic activity is supervised by the Government through a system of state-owned business and commercial entities. There is a small private retail sector. Direct foreign grant assistance is required to cover a large portion of the Government's current operating budget.

The human rights situation in Guinea-Bissau changed little in 1985. The one-party state limits the political freedom of Guinea-Bissauans, and there is little visible civilian opposition to the Government. However, First Vice President Paulo Correia, Secretary of State for Culture and Sports Joao da Silva, and an undetermined number of military personnel were arrested in November for allegedly plotting to overthrow the Government of President Vieira. Efforts to reduce the degree of arbitrariness in the system continued following the return in 1984 to a Constitution which stresses the equality of all citizens before the law, as well as freedom of thought, assembly, association and religion. The integrity of the individual is normally respected, except in cases involving alleged national security offenses. The alleged plotters arrested in November remain imprisoned, with the exception of Secretary of State da Silva, who was reportedly killed while attempting to escape.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There were no cases of government-ordered or -sanctioned assassinations in 1985, nor were there any terrorist incidents.

b. Disappearance

There were no known cases of disappearance in 1985.

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c. Torture and Cruel, Inhuman or Degrading Treatment or Punishment

There were no reported cases of torture in 1985. The May 1984 Constitution prohibits such treatment. Prison conditions are poor and unsanitary. Interrogation methods are, at times, harsh, involving intimidation and, occasionally, solitary confinement. Medical treatment, medicines, and food for prisoners are in short supply. Military security and police officials are poorly trained. According to some observers, severe beatings routinely accompany arrests.

d. Arbitrary Arrest, Detention, or Exile

Arrests in Guinea-Bissau are frequently arbitrary. There is no published civil or criminal code. Habeas corpus (as a carry over from the Portuguese penal code) does exist in practice in urban areas but is not generally observed in rural areas where traditional law prevails. In national security cases, arrests and detentions frequently take place without normal safeguards. Bail procedures do not appear to exist. There were no known cases of government-imposed exile in 1985. The new Constitution, however, does recognize the state's right to expel and extradite Guinea-Bissauan citizens "in some cases." There is no forced or compulsory labor in Guinea-Bissau.

e. Denial of Fair Public Trial

In rural areas, nonpolitical offenders in other than the most important criminal and civil cases are often tried outside the formal court system, under traditional law. The private practice of law is prohibited. Defendants are assigned legal assistance from the Ministry of Justice when available. The judiciary is not independent. Regional military courts have jurisdiction over military, militia, and security personnel on military missions. The civilian court system is essentially a continuation of that which existed under Portuguese colonial rule. The Supreme Court is the highest civilian court of appeal and has jurisdiction over serious crimes, such as acts against state security, attempts against the lives of party members, treason, and piracy. It also serves as an appeals court for the regional military courts. The interval between arrest and trial may be lengthy. The creation of special tribunals is constitutionally prohibited except for military courts established to deal with military offenses. An undetermined number of individuals remain in prison following the November 1985 coup plot arrests and have yet to be tried; and two members of the Government led by President Luis Cabral, which was overthrown in 1980, continue under house arrest.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the inviolability of domicile, person, and correspondence. These rights are not always respected in the case of serious crimes or matters involving state security, where the observance of legal protections such as the need for search warrants and the definition of who can issue and serve them are considered less important than results. In the absence of an independent judiciary and a published criminal code, there is no established or guaranteed protection against intrusion by the State into the private lives of individuals. International and domestic mail and other forms of communications are considered insecure.

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Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Government owns and controls the information media in Guinea-Bissau. Independent reporting or editorial comment on domestic and international affairs does not exist. There are no independent journals or newspapers. No expression of political opposition to the party or the Government is permitted.

b. Freedom of Peaceful Assembly and Association

All organizations and associations in Guinea-Bissau are integral parts of the State or the party.

The national labor union is a "mass action" organ of the party. It claims 20,000 members. It is forbidden to organize public employees, a prohibition dating from colonial days. Strikes, while not technically illegal, have not occurred, and the vast majority of salaried workers are employees of the State. There are no nongovernmental or nonparty associations affiliated with international bodies. The national union is a member of the Organization of African Trade Union Unity and is affiliated with the Communist-controlled World Federation of Trade Unions.

c. Freedom of Religion

There is no religious discrimination and religious freedom is constitutionally guaranteed. The majority of the population is animist, but other religious groups exist and their worship is unimpeded. Conversion is permitted. Religious missions operate secular activities throughout the country. Parochial schools, for example, operate openly. The adherence to a particular faith appears to be neither an advantage nor a disadvantage to individuals in their secular activities. Muslims account for approximately 30 percent of the active religious community, and they are permitted to make pilgrimages to Mecca.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no routine restrictions on movement within the country. Police roadblocks are often on the main highways, and travel is restricted when smuggling of agricultural products is suspected. Guinea-Bissauan nationals and many foreign expatriate workers must obtain exit permits to travel abroad. The principal constraints on foreign travel are economic. There are no known bars to emigration. Since the country's borders are not rigidly controlled, there is a considerable unauthorized cross-border movement. There are no significant refugee groups in Guinea-Bissau. The Government is generally sympathetic to the principle of asylum. Guinea-Bissau is a signatory to the UN Convention and Protocol Relating to the Status of Refugees. There were no known repatriation problems in 1985.

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

Guinea-Bissau is governed by a small elite group of party leaders and military authorities, led by President Joao

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Bernardo Vieira. The Republic of Guinea-Bissau returned to a form of constitutional government in 1984. The armed forces-dominated Revolutionary Council, which had ruled the country since the 1980 coup d'etat, was abolished. Following legislative elections controlled by the country's only legal political party, the 150 member National Popular Assembly reconvened for the first time since 1980. The Assembly approved a new Constitution, elected General Vieira to a five-year term as President of the Council of State, and chose the other members of that Council. By the terms of the 1984 Constitution, all political activity must take place within the party/state structure. The 1984 electoral slates at the district, regional, and national levels were party-prepared lists. Write-in or opposition candidates were not permitted. The President, members of the Council of State, and National Popular Assembly deputies are elected to five-year terms. There are provisions for revision of the Constitution and national referendums. In rural areas, popular criticism of regional government authorities has forced the Government to replace some officials. No single ethnic group dominates party-government positions. There are no female Ministers, but the President of the National Assembly and the Mayor of Bissau are both women.

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

Guinea-Bissau has not been active in international or regional human rights bodies, and it has no record of sustained involvement with outside bodies concerned with human rights.

In July 1985, the regional International Committee of the Red Cross delegate visited Guinea-Bissau. Amnesty International in its 1985 Report expressed concern about the house arrest of former political leaders. Freedom House rated Guinea-Bissau as "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Guinea-Bissau is among the least developed countries in the world. The current population is estimated at 858,000, with a population growth rate of 1.9 percent. The average family size is 5.3 persons. Of a labor force of approximately 450,000, only 25,000 are salaried wage earners. Most of these are civil servants. Per capita gross national product is estimated at \$170 a year.

Although the country is extremely fertile, less than one-half of the arable land is currently under cultivation. Guinea-Bissau's principal natural resources include fish, lumber, some minerals and, possibly, petroleum. The economy is dominated by traditional subsistence production of agricultural commodities. The rural and modern sectors operate, to a large extent, independently of one another. Foreign economic assistance to Guinea-Bissau is substantial, averaging \$60-80 million annually.

Life expectancy at birth is 38 years, and the infant mortality rate is approximately 137 per 1,000 live births. At most, 10 percent of the population has access to safe water. Eighty-seven percent of the population lives in communal villages (Tabancas), which are the country's basic economic and social unit. The remaining 13 percent of the population is

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concentrated largely in and around the capital city of Bissau. The Government estimates that there is 1 hospital bed for every 650 inhabitants and 1 doctor per 10,000 inhabitants. Adult literacy is estimated at 19 percent. Primary school enrollment of eligible children is estimated at 55 percent.

The new Constitution is silent on labor issues, including the question of a minimum age for the employment of children. Guinea-Bissau presently has several European technicians, funded by the World Bank, reviewing and updating the laws covering workers' rights inherited from the Portuguese colonial regime. Detailed regulations covering such matters as vacation rights and job-related disabilities are on the books. Enforcement, however, is uneven. Since there are no independent unions, lawyers, or judges, workers must depend completely on the Government to protect their rights.

Official discrimination against women in the modern sector of society does not exist. In the rural sector, however, traditional male-dominant sociological practices prevail. The party and Government actively encourage the participation of women in society, public life, and development. The National Women's Movement, a party organization, is active nationally and women hold some senior government and party positions. By statute, party organizations must have a stated proportion of women office holders.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: GUINEA-BISSAU

	1983	1984	1985	
I.ECON. ASSIST.-TOTAL...	2.6	5.0	4.1	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	2.6	5.0	4.1	
A.AID	2.0	2.0	3.5	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	2.0	2.0	3.5	
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0	
B.FOOD FOR PEACE.....	0.6	3.0	0.6	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.6	3.0	0.6	
TITLE I-TOTAL.....	0.0	0.0	0.0	
REPAY. IN \$-LOANS.....	0.0	0.0	0.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	0.6	3.0	0.6	
E.RELIEF,EC.DEV & WFP.	0.6	3.0	0.6	
VOL.RELIEF AGENCY.....	0.0	0.0	0.0	
C.OTHER ECON. ASSIST...	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
PEACE CORPS.....	0.0	0.0	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
A.MAP GRANTS.....	0.0	0.0	0.0	
B.CREDIT FINANCING...	0.0	0.0	0.0	
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0	
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E.OTHER GRANTS.....	0.0	0.0	0.0	
III.TOTAL ECON. & MIL...	2.6	5.0	4.1	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	2.6	5.0	4.1	
OTHER US LOANS.....	0.0	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	0.0	0.0	
ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	1946-85
TOTAL.....	29.8	18.7	16.0	123.9
IBRD	0.0	0.0	0.0	0.0
IFC	0.0	0.0	0.0	0.0
IDA	29.1	8.0	16.0	68.9
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	9.6	0.0	37.8
UNDP	0.7	0.5	0.0	15.5
OTHER-UN	0.0	0.6	0.0	1.7
EEC	0.0	0.0	0.0	0.0

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Ivory Coast, a former French colony until independence in 1960, is a civilian one-party state. Power is concentrated in the Democratic Party of Ivory Coast and its long-time leader, President Felix Houphouet-Boigny, now 80 years old. Although the freedom to form other parties is theoretically guaranteed by the Constitution, in practice, no other party has been allowed. More open discussion of government policies has been permitted in the period since the country's first competitive elections in 1980 for local party, municipal, and legislative positions. The unicameral National Assembly has never challenged a policy put forth by the executive branch, however. As provided by law, competitive elections within the Democratic Party (at five-year intervals) were held in late 1985 for municipal offices, the legislature, and the presidency. Houphouet-Boigny was reelected to a sixth 5-year term as President.

The Surete National, the national police service structured along French lines, includes an arm tasked with intelligence gathering and counterespionage responsibilities. It is a part of the Ministry of Internal Security.

Ivory Coast has enjoyed considerable economic development since independence, but poverty still prevails in much of the country. The Ivorian economy is market-oriented and open to foreign investment. It showed steady growth until the beginning of the current decade. Over the last four years, however, Ivory Coast has been squeezed by a heavy debt burden and low prices for its exports on world markets. The austerity measures which the Government has introduced to offset this reduced income have been broadly accepted by key elements of the population. Gross domestic product (GDP) was expected to rise between two and three percent in real terms in 1985. Nonetheless, the quality of government financial management of the economy will continue to be a key determinant of the country's future economic health.

There was no change in the human rights situation in 1985. The President advocates "dialogue" in settling disputes, generally seeking to involve dissenters in the operation of the Ivorian system rather than isolate or imprison them. There are no known political prisoners in Ivory Coast, and there has never been an execution of political opponents. Detainees, especially foreign Africans, are routinely treated roughly by the Surete National and the Gendarmerie upon arrest. Riots directed against foreign Africans occurred in 1985, as on occasion in the past. However, there is no history of violent or repressive action against specific ethnic or religious minorities.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There have never been reports of political killings by forces with official sanction.

b. Disappearance

There were no reports of abduction or disappearance of persons by forces with official sanction.

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c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Ivorian penal code prohibits the use of violence by official means without legitimate justification. The code does not, however, specifically mention or prohibit torture nor does it define what constitutes "legitimate justification" or the level of violence officials may use. There were no reports of torture during 1985, and systematic cruel, inhuman, or degrading treatment of persons or prison inmates is not thought to occur. Since the beginning of a state-sponsored anticrime campaign in 1983, some detainees, primarily foreign Africans, have reportedly been denied adequate food and drink, beaten by police, and forced to do menial labor. While foreign Africans are treated more roughly by police than are Ivorian detainees, once offenders are committed to prison there is no evidence of discriminatory treatment of prisoners on the basis of sex, Ivorian ethnic background, race, or type of crime. Prisoners are allowed visits from attorneys of their choice and from family members, who must provide food to supplement the sparse prison diet. Prisons are crowded and conditions poor. Sanitation and medical facilities are limited.

Ivory Coast marked its 25th anniversary of independence on December 7, 1985, by releasing 9,500 of its 13,000 convicted prisoners. Prisoners involved in violent crimes and armed robbery were reportedly not included in the amnesty.

d. Arbitrary Arrest, Detention, or Exile

The Ivorian Constitution and pertinent statutes prohibit arbitrary arrest or imprisonment. People are not detained, punished, or tried for expression of views critical of or different from those of the Government. However, the Government has occasionally detained a few persons it believes to pose a threat to internal security. It also takes firm nonviolent measures against acts it considers threats to internal security. The Government has used the threat of forced conscription to discourage student involvement in antigovernment activities. Some prominent critics of the Government have chosen to live and write elsewhere; on the other hand, political exiles from a number of countries have found Ivory Coast a hospitable safe haven.

Under the Ivorian penal code, a public prosecutor can detain a suspect for up to 48 hours without bringing charges. The code dictates that further detention must be ordered by a magistrate who can authorize periods of up to four months but must provide the Minister of Justice, on a monthly basis, with a written explanation of why detention should be continued.

There is no forced labor in Ivory Coast.

e. Denial of Fair Public Trial

Ivorian law establishes the right to a fair public trial. This provision is generally respected in urban centers. In rural areas justice is often administered at the village level through traditional institutions. The judiciary is independent of the executive and military. Defendants accused of felonies or capital crimes have the right to legal counsel, and the judicial system provides for court-appointed attorneys for indigent defendants. In practice, however, such attorneys

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are not readily available. The court of appeals reviews verdicts of civilian courts. Civilians are not tried by military courts. There is no structure of appellate courts within the military justice system. Persons convicted by a military tribunal occasionally request the Supreme Court to set aside the tribunal's verdict and order a retrial.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

With few exceptions, all Ivorian citizens are considered to be members of the Democratic Party of Ivory Coast. Party regulations call for active participation in party activities and payment of dues; however, these regulations are not strictly enforced. Ivorians who choose not to participate do not suffer retaliation. It is not known what percentage of the population actively participates in the party. The code of penal procedures specifies that a police official or investigative magistrate may conduct searches of homes without a warrant if he has reason to believe there is evidence concerning a crime on the premises. The official must have the prosecutor's agreement to retain any objects seized in the search. He is required to have witnesses to the search, which may not take place between the hours of 9 p.m. and 4 a.m. Legal safeguards against arbitrary searches are generally respected in the modern parts of cities. In less developed urban sectors and in rural areas, legal safeguards are sometimes ignored. There were scattered reports of forced entry or other violations of the home, specifically involving foreign Africans, during 1985. There is no evidence of monitoring of correspondence and telephone conversations.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Despite Ivory Coast's established one-party state, there is a large measure of freedom of speech. Critics of the Government feel free to, and do, express themselves in informal situations, among Ivorians and foreigners alike, without fear of reprisal. However, some Ivorians do not feel free to express their views openly, and public criticism of basic government policies or of the party and the president rarely occurs. Limits--such as the cancellation of gatherings--are occasionally placed on the expression of controversial views in public forums. As a result of 1982 student disorders, only apolitical gatherings are now permitted on campus, but students still speak freely about politics in informal situations.

The country's one daily newspaper is owned by private interests, but its editorial opinion follows the policies of the country's single political party. The one weekly news magazine is controlled by the party. The Ministry of Information operates a wire service, radio, and television. Government policy assigns the media a positive role in promoting national unity and development. It allows criticism of failures of policy execution but not of the policies themselves. Investigative journalism is permitted except with respect to the Government and its policies. The Government has occasionally banned a critical publication such as *Islam and Ivory Coast*. In September 1984, the leadership of the party issued an official statement denouncing an antigovernment tract circulating in Abidjan. Foreign

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publications are readily available, but occasionally issues which are particularly critical of the Ivorian Government, the party, or the President are seized.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly is generally respected in Ivory Coast, except when the Government perceives a significant and immediate danger to public order. In such infrequent cases, the Government prohibits meetings and arrests persons disregarding its orders. Such a case occurred on November 22, 1985, when university students, after discussing their grievances with government officials, staged public demonstrations to protest against a drop in scholarship aid. The demonstrators reportedly committed acts of violence, whereupon university officials summoned security forces which arrested approximately 400 students, the vast majority of whom were released shortly thereafter.

The majority of unions are organized and directed by a government-sponsored union confederation, the General Union of Ivory Coast Workers (UGTCI), the leader of which occupies a senior position in the party hierarchy. Membership is encouraged but not mandatory. The UGTCI is a relatively passive coordination mechanism rather than an active campaigner for workers' rights. The right to strike exists in theory, but in practice strikes are rarely authorized. The 1983 secondary teachers' strike was broken by a presidential decree ordering teachers back to the classrooms and threatening them with prison sentences and fines for noncompliance. Generally, the Government negotiates with strikers and resolves at least some of their economic grievances. There have been no reports that professional groups have experienced persecution or harassment. The Government, however, attempts to bring such groups under its wing or that of the party so as to exercise control over their activities. Unions, trade associations, and professional bodies are permitted to maintain relations with recognized international professional bodies in their fields. The UGTCI is a member of the continent-wide organization of African Trade Union Unity.

c. Freedom of Religion

There are no known impediments to religious expression in Ivory Coast. There is no dominant religion, and no particular faith is favored by the Government. The open practice of religion is permitted, and there are no restrictions on religious ceremonies or teaching. Better paying government and private sector jobs seem to be concentrated among the minority Muslim (25 percent) and Christian (15 percent) populations, a phenomenon attributable more to urbanization and access to education than to a systematic pattern of discrimination.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Ivorian Government exercises minimal control over domestic travel, but internal roadblocks for identity checks are common. Ivorians can travel abroad freely and can emigrate without discrimination. Ivorians have the right of voluntary repatriation. There are no known cases of revocation of citizenship. Ivory Coast's refugee and asylum practices are

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liberal. The country has resettled or granted safe haven to Angolans, Burkinabe, Eritreans, Ghanaians, Guineans, Liberians, and Vietnamese. While in Ivory Coast, they receive one-year renewable resident visas for their first five years in the country, after which they may apply for permanent resident status. Ivory Coast does not take any significant responsibility for the economic and social welfare of refugees.

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

Political participation in Ivory Coast is limited to the Democratic Party of Ivory Coast, which is headed by President Houphouet-Boigny. No opposition groups exist openly, and their formation is discouraged. Within the party, the President operates through a 10-member executive committee, a 58-member political bureau, and a 206-member steering committee. Political power is concentrated in the President's hands, and most important decisions are made by the President himself. Within this strictly observed one-party system, the Ivorian Government continues to encourage more open participation in the political process by expanding the size of the party institutions noted above and by permitting any citizen to contest legislative, municipal, and local party elections. In the case of the 1985 legislative elections, approximately 577 individuals ran for the 175-seat National Assembly. The party played no role in choosing candidates or administering the elections. Intense competition took place in all three elections in which all citizens were eligible to vote. In the municipal elections, 13 of the 33 incumbent mayors who sought reelection were defeated, and only 60 out of 112 incumbents running were reelected to the National Assembly. Voter participation in these two elections was reported at 45 percent. President Houphouet-Boigny was returned to a sixth term in office in an uncontested race. An important development in 1985 was an amendment to the Ivorian Constitution designating the President of the National Assembly as interim successor to the Chief of State should the latter become incapacitated.

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

The Government has been cooperative toward inquiries into its human rights situation. Ivory Coast has a chapter of Amnesty International. The last inquiry occurred in 1981 and concerned a published report by Amnesty International in Paris that the Government drafted striking television employees into the army as a form of extrajudicial punishment. The Government at first maintained that these men were simply doing their duty as conscripts. Later, the men appeared in uniform on national television and were told they were being returned to civilian life. Amnesty International did not include an entry on the Ivory Coast in its 1985 report. Freedom House terms Ivory Coast "partly free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The population of the Ivory Coast was estimated at 10.1 million in mid-1985 and is currently growing at an annual rate of 4 percent. Approximately three-fourths of that growth comes from natural increase and the remaining one-fourth from net immigration. Roughly 44 percent of the populace is

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urban. Per capita gross domestic product (GDP) was \$691 in 1985. More than 2 million foreign Africans, some 100,000 Lebanese, and over 30,000 French, along with a small number of other Europeans, North Americans, and Asians live in Ivory Coast.

Ivory Coast's predominately agricultural economy is one of Africa's most prosperous, having grown in real terms at nearly 7 percent annually until 1982. However, three years of recession and negative GDP growth, coupled with government austerity measures (e.g., civil service salary freezes and reduced perquisites), have substantially reduced both purchasing power and the Government's ability to provide services that Ivorians had come to expect. Ivory Coast now seems on the threshold of recovery. In 1985, it had very good harvests in all the important agricultural sectors and enjoyed good international prices for coffee and cocoa crops. The external debt currently stands at nearly 6 billion dollars and will continue to be a constraint on growth through the end of the decade.

A great disparity exists between the standard of living of expatriates and African elites and that of the urban poor and villagers. Nevertheless, there is a sizable and growing urban Ivorian middle class, and village living conditions have steadily improved during Ivory Coast's 25 years as an independent state. The country has constructed an excellent nationwide highway system and nearly all Ivorians have access to motorized transportation.

Life expectancy at birth is 51 years (1985). The current estimate of infant mortality is 121 per 1,000 live births. The World Bank has estimated that 66 percent of the population had access to safe drinking water in 1980 and that the ratio of calorie supply available for consumption relative to nutritional requirement was 115 in 1985. Ivory Coast has a substantial degree of food self-sufficiency and, although malnutrition sometimes occurs, it is largely due to nutritional ignorance and/or distribution problems rather than an overall lack of food.

The adult literacy rate is 35 percent (1980). Education absorbs some 30-40 percent of the operating budget and is generally available to all children, Ivorian and foreign, boys and girls. At least three years of primary education are offered in all but the smallest villages. Primary school enrollment, as a percentage of children of primary school age, was 76 percent in 1981-1983. Health care, by contrast, absorbs only 7 percent of the budget and is less widely distributed than educational services. There is no primary health care system in place. Health facilities tend to emphasize curative rather than preventive medicine, and most health care professionals are based in urban areas where access to their services is determined largely by the demands of the market.

Ivory Coast is a signatory to and seeks to abide by the U.N. conventions on workers' rights and conditions of employment. Minimum wage levels and a minimum working age of 16 years of age have been established by the Government. The Government enforces a comprehensive code of law, code du travail, governing the terms and conditions of service for salaried workers and providing for occupational safety and health standards. Extensive safeguards protect against unjust

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compensation, excessive hours, and capricious discharge from one's position. Month-long paid vacations and a substantial severance pay are guaranteed. Government medical insurance and retirement programs provide an element of income security for salaried employees in the modern sector. Urban workers in the informal sector and rural workers find conditions quite different, and occupational regulations may be underenforced. The Government's policy of Ivorianization requires that all positions be offered to Ivorians before foreigners; this keeps foreign Africans from most wage and salary jobs in the modern sector.

Although males clearly play the preponderant role overall, some Ivorian traditional societies accord women considerable political and economic power. In rural areas tribal customs dictate the division of tasks and these sometimes fall heavily on women. Female circumcision continues to be practiced among elements of the Ivorian population, although it is rare in urban populations. Official party policy is to encourage full participation by women in social, economic, and political life. The Ministry of Women's Affairs was established in 1976 for this purpose but recently has remained without a minister for an extended period. Women remain lightly represented at the higher levels of government and the party. Ten women are in the 175-seat National Assembly and 28 women in the 202-member Democratic Party's steering committee.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: IVORY COAST

	1983	1984	1985	
I.ECON. ASSIST.-TOTAL...	0.0	0.0	1.6	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	1.6	
A.AID	0.0	0.0	1.6	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	1.6	
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0	
B.FOOD FOR PEACE.....	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
TITLE I-TOTAL.....	0.0	0.0	0.0	
REPAY. IN \$-LOANS.....	0.0	0.0	0.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	0.0	0.0	0.0	
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0	
VOL.RELIEF AGENCY.....	0.0	0.0	0.0	
C.OTHER ECON. ASSIST..	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
PEACE CORPS.....	0.0	0.0	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II.MIL. ASSIST.-TOTAL...	0.0	0.2	0.2	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.2	0.2	
A.MAP GRANTS.....	0.0	0.0	0.0	
B.CREDIT FINANCING....	0.0	0.0	0.0	
C.INTL MIL.ED.TRNG....	0.0	0.2	0.2	
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E.OTHER GRANTS.....	0.0	0.0	0.0	
III.TOTAL ECON. & MIL...	0.0	0.2	1.8	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.2	1.8	
OTHER US LOANS.....	0.0	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	0.0	0.0	
ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	
			1946-85	
TOTAL.....	57.4	275.9	218.0	1927.2
IBRD	32.2	250.7	141.3	1468.1
IFC	3.6	1.3	2.6	18.8
IDA	0.0	0.0	0.0	7.5
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFOB	0.0	19.8	59.5	95.0
UNDP	0.0	4.1	0.0	39.3
OTHER-UN	0.0	0.0	2.0	9.6
EEC	21.6	0.0	12.6	288.9

KENYA

Kenya has been a single party state since 1982, and the President, Daniel Arap Moi, exercises firm control over both the Government and the party, the Kenyan African National Union (KANU). The role of the party was enhanced in 1985 with local and national party elections, the third such elections since independence. There was government pressure to force rank and file citizens to join the party during the voter registration drive. As of January 1, 1985, all Kenyan civil servants are required to be party members. However, neither KANU nor the National Assembly have significant impact on policy initiation.

Despite the one-party system there is still considerable competition for parliamentary seats. In the September 1983 parliamentary elections, over 900 candidates competed for 158 seats. While the large majority of parliamentary and party elections are free and fair, reportedly there was government interference in 1985 party elections in a few sensitive cases to ensure that only State House-approved candidates won. People who have been expelled from the party (15 during 1984) are ineligible for public office. Others have voluntarily stepped down in order to facilitate the election of candidates more favored by State House.

Kenya's economy has largely recovered from the 1984 drought, although growth in the gross national product (GNP) in 1985 barely kept pace with the population growth. With population expanding at over 4 percent a year, unemployment continuing to rise (400,000 job seekers after at best 20,000 new jobs in the wage economy each year), declining per capita income, inefficient subsidized public corporations, and an increasingly difficult budget situation, Kenya's economic problems are not likely to be resolved in the near term, although the Government has begun to take appropriate steps.

There was no basic change in the human rights situation in Kenya in 1985 from 1984. As in the previous year, there was a serious border incident involving nomadic tribesmen. Two persons are still held under the Public Security Act which includes provisions superceding constitutional safeguards. The judiciary showed significant independence in handling several student cases.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

Kenya does not sanction or practice unlawful or arbitrary deprivation of life, and there were no reports of political killings in 1985.

b. Disappearance

The Government does not sanction or carry out secret arrests or abductions.

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c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is specifically forbidden under the Kenyan Constitution. Nevertheless, there are reports that police have used torture and that security forces in Northeast Province have tortured local citizens (mostly Somali ethnics). Most allegations of torture are investigated by the Government, and several police and military officials have been jailed or sacked for torturing suspects or prisoners. Police also often use excessive force in apprehending criminals and numerous suspects have been killed while attempting to flee the scene of a crime. Many Members of Parliament have questioned the authority of the police to "shoot to kill," and the topic has led to lively discussions both within the Government and in the National Assembly.

Military forces have also been criticized for "overreaction" to incidents in border areas. In February 1985, the Kenyan military used helicopter gunships to kill at least 50 Ethiopians who had reportedly massacred 42 Kenyan women and children while rustling cattle in Marsabit district. This district routinely is troubled by cross-border raids and incidental attacks on civilians by nomadic tribes inhabiting both sides of the border. No attempt was made to apprehend or question the suspects. Although military officers spoke freely about the incident, the Government never publicly acknowledged it.

In 1982, the Moi Government began to utilize the Preservation of Public Security Act, which includes provisions superceding constitutional safeguards. Persons formally held under the Act are kept in solitary confinement, where they are allowed almost no contact with the outside world, including their attorneys and families.

Prison conditions are poor, and Amnesty International has expressed concern over the treatment of detainees. In June 1985, a former Member of Parliament, held in conjunction with the murder of his successor, died in prison of a heart attack after allegedly being refused his prescribed medication.

d. Arbitrary Arrest, Detention, or Exile

The Preservation of Public Security Act empowers the State to detain or otherwise control individuals without trial or other reference to the judiciary for an unlimited period. Since resuming the practice of detention without charge in 1982, the Government has formally detained or restricted 13 persons under the Act. Ten uncharged detainees were released in 1983 and 1984 and one in 1985. Those remaining in detention without being charged are a journalist and Ralli Odinga, the son of Kenya's former Vice President, Oginga Odinga.

Other Kenyans have been held, usually for short periods, without being formally detained. Approximately 60 soldiers and airmen have been held since the 1982 coup attempt, and several others implicated in an alleged coup plot in early 1985. Subject to military jurisdiction, none of them has been charged with any crime.

Double jeopardy is not unknown in Kenya. In December 1984, a prominent businessman was arrested and charged with a crime allegedly committed in 1976. The case was dropped by the

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Attorney General in 1976, and the dropping charge was confirmed by his successor in 1981. The case was reopened even though no additional evidence was produced. Although a constitutional court convened by the Chief Justice in 1985 ruled that continuation of the case would be "vexatious and harassing, an abuse of the process of the court, and contrary to public policy," the current Attorney General continues the prosecution.

However, aside from detention cases under the Public Security Act and the unprecedented circumstances created by the attempted coup in August 1982, habeas corpus has generally been available in Kenya. Kenyan law requires that persons charged with crimes be brought biweekly before judicial authorities in public court to ensure that investigations are carried out in a timely manner and that prisoners are not mistreated. The degree of compliance with the biweekly review requirement seems to vary with the diligence of the individual senior resident magistrate responsible for ensuring that these procedures are followed. Detainees' cases are reviewed every 6 months by a Confidential Detainees Review Tribunal.

Kenya does not practice forced labor.

e. Denial of Fair Public Trial

The judiciary usually exhibits considerable independence. The major exception is in cases involving detention under the Preservation of Public Security Act, where its authority is limited to ensuring compliance with procedural provisions. Aside from these security cases, the right to a fair public trial is usually observed in Kenya. Civilians are tried in civilian courts, and verdicts may be appealed to the Kenyan High Court. The High Court is susceptible to executive pressure since justices are appointed and dismissed solely at the pleasure of the President.

Military personnel are tried by military courts and verdicts may be appealed. Judge Advocates are appointed on a case by case basis by the Chief Justice. Most sentences meted out as a result of the August 1982 coup attempt have either been reduced or suspended. However, the 12 coup leaders convicted of treason, whose appeals were rejected, were reportedly executed in July 1985. Members of the press regularly attend and report on court proceedings whether civilian or military.

The major judicial event in 1985 was the arrest and trial of students involved in demonstrations leading to the closure of the University of Nairobi's main campus for several months. Five students were charged in March 1985 with participating in an illegal assembly and failure to obey an order to disperse. The senior resident magistrate hearing the case jailed one defendant for 1 year, fined three \$330 each, and acquitted the fifth.

In another case, 14 students were convicted of stealing a university vehicle and sentenced to 6 months in prison, but the High Court upheld their appeals and called the initial trial "arbitrary and unlawful." The students were released and permitted to return to their studies in October.

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f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Security officials sometimes conduct unwarranted or illegal searches to seize allegedly stolen property or apprehend suspected criminals. In early 1985, after the murder of a European couple in the Nairobi suburb of Karen, general service units conducted house-to-house searches and illegally confiscated personal property which they claimed must have been stolen since the owners "could not afford it."

Correspondence with prisoners is monitored, censored, and frequently not delivered. Security officials are invariably present when prisoners or detainees consult with family members or attorneys. Reportedly, security forces occasionally employ surveillance techniques and electronic invasion of the home.

Section 2 Respect for Civil Rights, Including.

a. Freedom of Speech and Press

Freedom of speech and freedom of the press are proclaimed in the Constitution. In practice, however, these freedoms have been narrowly interpreted by Kenyan authorities (e.g., Parliament is not permitted to discuss "foreign affairs"). The existence and use of the detention provisions of the Preservation of Public Security Act inhibit public exchange of views on political subjects. Kenya has no formal censorship of the local press, but pressure--including the firing of journalists--has been brought to bear on journalists and publications not to stray too far from the government line. Additionally, government officials regularly caution editors against printing information which they wish withheld from the public, and editors usually oblige. The press can and does report unflattering news about government officials, but never about the President and only rarely about other leaders considered to be "off limits." Government policies are rarely criticized.

The Government also discourages students and faculty from political activism. Kenya's institutions of higher education have been closed on repeated occasions. The main campus of the University of Nairobi only reopened after students were required to refrain from any political activity. Shortly thereafter, three university lecturers and a primary school teacher and his wife were arrested and charged with sedition. Kenyan leaders regularly harangue lecturers for disloyalty and for preaching tribalism.

Kenya has a 30 member film censorship board under the auspices of the Ministry of Culture and Social Services. The Board must approve all films shown in Kenya, but a wide variety of uncut foreign films is regularly available. A 10 member television censorship board has established precepts which govern what can be shown on television.

b. Freedom of Peaceful Assembly and Association

Although the Kenyan Constitution formally sanctions freedom of assembly and association, these rights are sometimes limited by the Public Order and Police Act, which gives local administrative authorities wide powers to control public gatherings. It is illegal to convene an unlicensed meeting,

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and politicians have been arrested or investigated for violations of this statute. Nonetheless, licenses for public meetings are rarely denied, and then usually on the grounds that the proposed meeting might generate civil disorder. The Government has occasionally prevented political, religious, and social meetings under the Societies Act.

Excepting civil servants, forced membership in political organizations is not officially required. Nevertheless, many Kenyans complained of harassment and intimidation during the KANU party recruitment drive from January to June 1985. Security forces routinely arrested on false charges those who could not produce a party membership card, and one district commissioner directed that party membership was a prerequisite to any economic activity in his district. Another refused to grant interviews to nonparty members. The Government and the party both repudiated the coercion, but intimidation continued.

Kenya has a relatively free trade union movement. Its single trade union confederation, the Central Organization of Trade Unions, is affiliated with the Organization of African Trade Union Unity. Complex labor legislation renders virtually all strikes illegal. Strikes are permitted only if the Ministry of Labor has not taken action toward resolution within 21 days after the formal declaration of dispute. Wildcat strikes of no more than 1 to 2 days are quite common. Most disputes, however, are settled by the parties concerned. Kenya's dispute mechanism is centered in the Industrial Relations Court, founded in 1964, which has a high reputation for fairness and impartiality. All Kenyan wage earners are subject to government regulations limiting wage increases. Nevertheless, some unions have had notable success in obtaining salary adjustments for union members by filing litigation before the Industrial Court. Some unions have also obtained significant additional worker benefits, such as expanded health insurance coverage and increased housing allowances. All collective agreements must be approved by the Industrial Court before they can take effect. The Industrial Court has become the model for several other such labor courts in Africa.

In August 1980, the Government formally disbanded the Kenyan Civil Servants Union (at that time Kenya's largest union) because of its alleged political activities. The Public Service International has continued to press for a genuine civil servants' union, given Kenya's membership in the International Labor Organization and signature to the Convention on the Right to Organize and Collective Bargaining. In September 1985, a "civil servants association" was formed with presidential permission, but labor observers claim that it is not a legitimate labor union.

All permanent workers engaged by an enterprise employing at least seven persons may be organized into trade unions. Approximately 75 percent of all such enterprise employees are unionized, and about half (300,000) pay voluntary union dues. Unions actually represent a greater number in collective bargaining because nonunion workers are also covered by collective agreements negotiated for their respective enterprise. Agreements are usually valid for 2 years. A few professional voluntary organizations, such as the Law Society of Kenya (i.e., the Kenyan Bar Association), exist, but such associations do not conduct themselves as trade unions.

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c. Freedom of Religion

A wide range of religious freedoms exists in Kenya, and freedom of worship is protected by the Constitution. The Government has often criticized church officials for meddling in politics and has refused to register religious societies and groups which it believes may pursue activities harmful to society. The Church of Jesus Christ of Latter-Day Saints (Mormons) has tried for the past 4 years without success to obtain registration under the Societies Act. However, the Government has not registered any other churches during that period, and it has not interfered with Mormon meetings. In 1985, the Government also started to deregister "sects" which it considers prejudicial to public security. For example, the African Gospel Church of God was deregistered on August 23, 1985, after 25 years of activity in Kenya.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

Travel within Kenya is restricted only by provisions of the Preservation of Public Security Act, which limits movement within Kenya of persons considered to be a danger to public security. These provisions are only rarely implemented.

Following the August 1, 1982, coup attempt, the Kenyan Government expanded bureaucratic requirements necessary for travel abroad. These additional hurdles have had a negative impact upon study and research opportunities for Kenyan university students and faculty. Kenya does not formally prohibit emigration of its nationals. In rare cases influential or controversial Kenyans have had their passports confiscated by the Government, thus preventing them from traveling abroad.

Although Kenya suffers from high and increasing unemployment, it continues to accept refugees. During 1985, Kenya's refugee population increased by approximately 15 percent to about 8,500 documented resident refugees. Of these, over 90 percent are Ethiopian, Ugandan, or Rwandan. In addition to those individuals who obtained official refugee status, between 3,000 and 10,000 additional persons have taken refuge in Kenya unofficially. The renewed fighting in Uganda produced new refugee flows from Uganda at the beginning of 1986.

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

The Chief of State, President Moi, supported by a small group of advisors, controls all major aspects of policy-making and has increasingly consolidated political power, especially since the attempted coup of August 1, 1982. Kenya became a de jure one-party State on June 9, 1982, but a wide range of candidates and views is generally permitted. In 1983, the Kenyan electorate rejected approximately 35 percent of Kenya's incumbent parliamentarians, including 5 Ministers and 18 Assistant Ministers. Within the one-party system, the number of candidates for a particular public office is frequently a half dozen or more, and in the September 1983 general elections up to 15 candidates ran for a single parliamentary seat. Of the 995 persons who applied for party clearance to run for Parliament, 992 were granted permission to stand for election. Of these, roughly 700 ultimately had their names placed on the ballot. A small number of elections in

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sensitive districts reportedly were rigged to ensure that government-favored candidates won. Individual local government officials also allegedly have accepted bribes to influence a favorable outcome for certain candidates.

In Kenya's post-independence history neither the President nor the Vice President has ever faced an opposing candidate. The Kenyan Government encourages but does not coerce the electorate to vote. Turnout has generally averaged between 60 and 70 percent of the electorate, but this figure fell to 42 percent in 1983. Participation in the 1985 party elections was also relatively low.

President Moi has expanded ethnic representation in the Government and the party. Members of all ethnic groups are permitted to run for office, and Kenya has one white Parliamentarian who was reelected in a constituency that is 99 percent black African, despite the presence of several black African candidates on the ballot. Twelve persons from different ethnic groups hold cabinet portfolios in the Government, including the first ethnic Somali ever appointed to Ministerial rank in Kenya. Sixteen groups are represented among the 43 assistant ministers in the Government.

Only one female candidate was elected to Kenya's National Assembly in 1983, although several others ran for seats. Over 20 female candidates were elected to municipal office. President Moi subsequently appointed two women to Kenya's National Assembly as nominated members (the Kenyan Constitution provides for 12 such presidential appointments). In August 1985, one of the women resigned her nomination and contested and won a by-election in her constituency.

The range of permissible discussion of, and opposition to, government policies has been fairly broad within the National Assembly. However, discussion is increasingly focused on local subjects, and there is no criticism of the President or any policies which he initiates or supports. The formal detention in August 1982 of Koigi Wa Wamwere, a sitting member of Parliament who was repeatedly critical of major government policies, exemplified government sanction against critics.

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

The Government of Kenya is sensitive to criticism of human rights conditions. Various human rights organizations, including Amnesty International, have conducted extensive letter-writing campaigns to the Government with respect to Kenya's resort to the use of formal detention. Although the Government released 11 persons held under the Public Security Act between October 1983 and September 1985, Government officials have emphatically rejected the notion that foreign pressure had anything to do with the releases. President Moi has publicly criticized Amnesty International for "meddling" in Kenyan internal affairs.

Although there are several Kenyan organizations which address certain aspects of human rights issues, there is no group which focuses exclusively on human rights concerns in Kenya. Kenya has neither signed nor ratified the Organization of African Unity's Human Rights Charter which was adopted at that organization's July 1981 Summit in Nairobi. Kenya hosted the U.N. End of Decade for Women Conference in 1985.

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In its 1985 report, Amnesty International noted the release in 1984 of five prisoners of conscience and expressed concern about the continued imprisonment of other political prisoners held without trial since 1982. Freedom House rates Kenya "partly free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Kenya's population of 20.3 million will double by the year 2000 given an annual population growth rate of 4.1 percent--the highest in the world. Real growth in per capita gross national product (\$340 in 1983) has been uneven over the last several years. Kenya has had one of the most dynamic and successful economies in Africa with a highly developed private sector and, in most years, self-sufficiency in food. The Kenyan Government has taken action to improve the country's health care, education, and general standard of living, but recent economic difficulties, including an unprecedented drought in 1984, retarded progress in these areas. While good rains in 1985 substantially improved crop harvests, bills due for food purchases, payment to the (International Monetary Fund), and uncertain prices for coffee and tea (the two main foreign exchange earners) cloud the outlook for 1986. Also, the Government, despite praise for the private sector, still relies heavily on inefficient, subsidized public corporations, which control major commodity prices and distribution.

Approximately 80 percent of all Kenyans live in rural areas, and most are involved in subsistence agriculture. Only 1.1 million people (out of the 7.4 million estimated to be in the work force) are in the formal sector, i.e., the wage economy, and 50 percent of those are government employees. Kenya's work force in the year 2000 will number approximately 14.6 million, putting even greater strain on the country's society and economy. About 10 percent of the urban population and 55 percent of the rural population was estimated in 1978 to live below the poverty level.

The minimum age for the employment of children in Kenya is 16. However, with the majority of Kenyans employed in the informal sector, the law is unenforceable. Kenya has adequate legislation to provide for acceptable conditions of work and occupational safety and health, but the Government is unable to ensure compliance due to a shortage of qualified inspectors. The minimum wage is established by the Government and reviewed periodically.

Women constitute an essential factor in Kenya's labor equation. They still provide about three-quarters of Kenya's farm labor, while carrying out their traditional familial responsibilities at the same time. Because of an accelerating rural migration of males to the cities in search of hard-to-find but higher paying jobs, female farm labor is likely to maintain its prominent position. Most of Kenya's tribes still practice female circumcision. The Kenyan Government, however, has made a major effort to eliminate the practice. President Moi has publicly and repeatedly condemned female circumcision, and the Ministry of Health has forbidden such operations to be performed in government facilities. The Kenya Government's commitment to women's rights was shown by its hosting of the U.N. End of Decade Conference.

Education is given a high budgetary priority, and this is reflected in a primary school enrollment ratio (1982) of 125

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percent (This ratio is more than 100 percent because overage children are included in the enrollment statistics.) However, secondary school enrollment rates drop sharply: of all students between ages 15 and 19, only 25 percent of males and 15 percent of females are enrolled in secondary school. About 2 percent of Kenya's college age population is enrolled in institutions of higher education, and of these students only 25 percent are female.

The infant mortality rate has steadily declined from 150 per 1,000 live births in 1960, to 83 in 1977, and now stands at 59. Life expectancy has risen steadily from 42.5 years in 1960 to 58.5 years in 1985. Although the most recent data available (1980) indicate that 85 percent of Kenya's city dwellers have access to clean water, only 15 percent of the rural population has regular access to safe water. Last available data (1977) on caloric consumption indicate that 94 percent of Kenya's minimal nutritional requirements are met.

Another looming economic and social problem concerns Kenya's 65,000 member Asian community which directly accounts for approximately one-fourth of Kenya's total economic output. African resentment of Asians, primarily because of their extensive business holdings, has intensified in direct proportion to Kenya's current economic decline. Kenya's Africanization campaign to encourage black African participation in commercial interests has resulted in some Asian emigration and disinvestment and has prompted concern within the community for the security of Asian ownership.

Kenya also amended its citizenship law in 1984 depriving many Asians and Europeans of Kenyan nationality. Under the current law, people born in Kenya of non-Kenyan parents can no longer claim Kenyan citizenship. Several such persons have been refused passports and work permits.

U.S. OVERSEAS - LOANS AND GRANTS - OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S. FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: KENYA

	1983	1984	1985	

I. ECON. ASSIST.-TOTAL...	81.5	71.8	72.4	
LOANS.....	25.9	30.2	9.5	
GRANTS.....	55.6	41.6	62.9	
A. AID	60.6	53.3	39.8	
LOANS.....	11.6	25.4	0.0	
GRANTS.....	49.0	27.9	39.8	
(SEC. SUPP. ASSIST.)...	30.0	21.0	25.0	
B. FOOD FOR PEACE.....	16.9	13.6	32.6	
LOANS.....	14.3	4.8	9.5	
GRANTS.....	2.6	8.8	23.1	
TITLE I-TOTAL.....	14.3	4.8	9.5	
REPAY. IN \$-LOANS.....	14.3	4.8	9.5	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	2.6	3.8	23.1	
E. RELIEF. EC. DEV & WFP.	0.0	5.6	17.4	
VOL. RELIEF AGENCY.....	2.6	3.2	5.7	
C. OTHER ECON. ASSIST...	4.0	4.9	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	4.0	4.9	0.0	
PEACE CORPS.....	4.0	4.9	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II. MIL. ASSIST.-TOTAL...	21.7	23.6	21.7	
LOANS.....	10.0	10.0	0.0	
GRANTS.....	11.7	13.6	21.7	
A. MAP GRANTS.....	10.3	12.0	20.0	
B. CREDIT FINANCING...	10.0	10.0	0.0	
C. INTL MIL. ED. TRNG...	1.4	1.6	1.7	
D. TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E. OTHER GRANTS.....	0.0	0.0	0.0	
III. TOTAL ECON. & MIL...	103.2	95.4	94.1	
LOANS.....	35.9	40.2	9.5	
GRANTS.....	67.3	55.2	84.6	

OTHER US LOANS.....	0.0	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	0.0	0.0	

ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	1946-85

TOTAL.....	237.9	303.5	72.7	2323.2
IBRO	79.9	145.0	32.6	1194.6
IFC	7.4	47.2	12.4	128.0
IDA	113.0	64.5	6.0	700.2
IDB	0.0	0.0	0.0	0.0
AIB	0.0	0.0	0.0	0.0
AFDB	19.2	41.3	15.3	132.9
UNDP	1.4	5.5	0.0	68.1
OTHER-UN	0.0	0.0	6.4	23.5
EEC	17.0	0.0	0.0	75.9

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Lesotho is nominally a constitutional monarchy under King Moshoeshoe II, but in fact almost all political power is held by Prime Minister Leabua Jonathan and his ruling Basotho National Party (BNP). In 1970, Jonathan suspended the Constitution, which provided for parliamentary democracy, and declared the results of that year's election null and void. The Government contended that traditional democratic practices were preserved in the ensuing period through the holding of public meetings known as "pitsos," but dissent is rarely aired at these government-orchestrated gatherings. In 1985 Lesotho scheduled its first elections in 15 years. Although a number of opposition parties had indicated their intent to field candidates, in the end they did not participate, alleging general intimidation of opposition leaders and supporters, and electoral malpractices. Only Jonathan's BNP candidates fulfilled the requirements for election to the National Assembly. The BNP candidates, in accordance with Lesotho law, were then declared elected (unopposed) on September 17, 1985.

Sporadic violence occurred during 1985, partly as a result of clashes between the security forces and groups opposed to the South African regime, and partly in connection with political opposition to the regime. The Government cited trouble with the African National Congress (ANC) and the Pan-African Congress (PAC), but especially the threat of and occasional attacks by the outlawed Lesotho Liberation Army (an offshoot of the opposition Basutoland Congress Party) as justification for the recent strengthening of security laws. The heightened security posture and undisciplined and poorly trained police and military forces contributed to human rights abuses. There are unsubstantiated reports that a "death squad" operates within the Lesotho Paramilitary Force (the army), with the aim of eliminating political opponents of the regime. Death threats have been recorded against both supporters and opponents of the regime. Some elements of the Basotho Youth League, an arm of the ruling BNP, have weapons and intimidate political opponents.

Lesotho is a developing country with a free market economy based primarily on subsistence agriculture. The economy is highly dependent on remittances by Lesotho citizens engaged in migrant labor in South Africa; these remittances amount to almost 50 percent of Lesotho's gross national product. The Government is likewise dependent on revenue generated by the South African Customs Union, which accounts for some 70 percent of government revenue. The economy rebounded somewhat in 1985 after several years of poor performance, caused partly by the lingering drought in the southern Africa region.

The Human Rights Act of 1983, technically guaranteeing many fundamental human rights, came into force in July 1984. However, the Act is subordinate to the provisions of existing law which include temporary detention without trial and other restrictions on human rights. The Parliament passed a new internal security bill in 1984 which codifies existing security laws, removes bail in cases of armed robbery, increases minimum sentences for certain security offenses, and allows for the detention of witnesses in security cases. While the courts have not hesitated to rule against the Government in security cases, potential for mistreatment of prisoners prior to trial remains high. Mistreatment of those detained for purely criminal offenses also occurs.

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RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

Sporadic incidents of violence occurred throughout 1985 on several fronts. Several clashes took place between Lesotho security forces and members of the African National Congress (ANC) and the Pan-African Congress (PAC). The latter groups are dedicated to the overthrow of the South African Government, and some members of the groups have taken refuge in Lesotho. Events in late 1985 suggested that the outlawed Lesotho Liberation Army (LLA) is stepping up terrorist activities in Lesotho. Several deaths also occurred during the 1985 election campaign.

In March, six members of the PAC were killed by a Lesotho security patrol near the South African border. Shortly thereafter, a member of the Lesotho paramilitary force (LPF) was killed by an ANC member, and the house of an ANC member was attacked in Maseru. In May, an explosion took the life of a South African refugee at his house in Maseru. The victim was believed to belong to the ANC and may have accidentally blown himself up while making a bomb.

In August, the Government announced that the LLA had launched an attack on the home of a BNP Parliamentary candidate, killing four women and two children. The Government protested this attack strongly to the Government of South Africa, which had previously permitted an opposition spokesman to use the South African broadcasting system to threaten violent attacks against Lesotho. An elderly member of the ruling BNP, who was expected to run for a seat in Parliament, was killed and his daughter wounded in an attack on his home outside Maseru. That incident remains under investigation, but to date there is no indication of the responsible parties.

On October 6, mortar rounds were fired into the west end of the capital of Maseru, allegedly from South African territory. There were no casualties. Shortly thereafter, the Government reported that its security forces had captured a South African-trained terrorist and killed two more. On October 23, six women died in a blaze set by armed men. A neighbor who came to investigate was also shot to death. At least two of the women had previous ties with progovernment groups. On November 1, a Maseru-dateline radio broadcast reported that three BNP supporters, a chief and his wife and child, were killed in an LLA raid that was launched from South Africa. Finally, on December 9 Prime Minister Jonathan blamed the LLA for the murder of seven Basotho the previous week; he said the terrorists were seen crossing back into South Africa.

In most of these incidents, the Lesotho Government protests vehemently to Pretoria, alleging that the South African Government knows of these specific attacks beforehand and that South Africa generally provides training, refuge, and support to the LLA insurgents. South Africa denies the charges that it is involved in the incidents and countercharges that Lesotho harbors groups which perpetrate violence against South Africa. In December, South Africa increased its warnings about ANC presence and activities in Lesotho. On the night of December 19, nine persons, including South African refugees whom the ANC claimed as its members, were assassinated in

Maseru. The Lesotho Government blamed South Africa for the killings, but that Government denied any responsibility.

b. Disappearance

There were no reports of disappearances in 1985.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Allegations of beatings by police and military personnel continue to be reported but are difficult to document. According to Amnesty International's 1985 Report, at least one state witness in a 1984 trial reportedly testified that he had been blindfolded and severely beaten by police until he "confessed" to membership in the LLA. Such abuse generally takes place during the arrest and interrogation phases, and it appears to extend to cases related to national security as well as to common crimes. Detention facilities are very poor. In view of Lesotho's limited resources, it is unlikely that any major improvements can be expected. Prisoners who can afford lawyers (and are thus more likely to file lawsuits charging abuses) usually receive better treatment. In late 1984, the high court awarded about \$5,500 in compensation to a chief who sued the Government for illegal arrest, detention, and torture at the hands of the police in November 1982, illustrating that civil remedies are possible for those complaining of human rights abuses.

d. Arbitrary Arrest, Detention, or Exile

Habeas corpus applies to all arrests except those involving persons detained under the Internal Security (General) Act of 1982. This Act provides for preventive detention without charge or trial for up to 42 days and for holding detainees incommunicado for part of that time. During the second stage of the detention, ministerially appointed "advisors"--thus far all employees of the Government--report on the health of the detainee, investigate whether the detainee has been involved in subversive activities, and advise the Minister on the need for continued detention. Detainees may make representations on their own treatment only through the advisors. The Internal Security (General) Act, as amended in 1984, disallows bail in cases of armed robbery and allows for detention of witnesses in security cases.

In 1985, observers indicated that there might be as many as 100 to 200 persons in custody of one sort or another as a result of alleged political crimes. At least one political detainee, Daniel Moeketsi, died in detention in 1984 according to Amnesty International.

There is no forced labor practiced in Lesotho.

e. Denial of Fair Public Trial

The judiciary in Lesotho is independent and has acted to limit police and military infringements of law and procedure on a number of occasions (see example in 1c). However, the Government abruptly notified the Chief Justice, a man known for his efforts on behalf of justice and civil rights, that his recently renewed contract would instead be terminated as of April 1986. Court decisions and rulings are respected and obeyed by the authorities. Accused persons have the right to counsel. Civil suits alleging maltreatment are accepted and

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adjudicated. Verdicts of Civil Courts may be appealed to the High Court. In military cases, decisions may be appealed to more senior officers, including the Lesotho army commander, but not to civilian courts. Under the system of Roman-Dutch law applied in Lesotho, there is no trial by jury.

Traditional courts do exist, largely in rural areas, but their influence is declining, and they generally handle only family disputes and cases of violation of custom.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.

These rights are generally respected in Lesotho, although under the Internal Security Acts of 1982 and 1984 the police have wide powers to stop and search and to enter homes or other places without a warrant. There have been credible allegations of forced entry into the home, but these are quite likely the result of indiscipline.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Human Rights Act of 1983 provides for freedom of expression but subordinates this freedom to the protection of national security. In practice, opposition viewpoints are expressed freely only in two Lesotho-language weekly newspapers published by the Roman Catholic and Evangelical churches. In 1984, criticism centered on the delay in elections, intimidation of opposition candidates, the Government's format for elections, and the tardy announcement of the voter registration lists. This criticism has been tolerated but, at the same time, attacked strongly by Lesotho's sole radio station which is government-owned and also by a government-published weekly newspaper. The Government has also rebutted articles and viewpoints on Lesotho in the South African media which are widely available in Lesotho. A private daily, The Nation, which was temporarily a vehicle for a variety of political opinions, closed for lack of financial backing after printing 46 issues. As elections approached, Radio Lesotho sharply stepped up its attacks on opposition parties and politicians, depicting them variously as irrelevant groups lacking support, political has-beens, or agents of the South African Government.

b. Freedom of Peaceful Assembly and Association

Opposition political parties (with the exception of the Communist Party) are permitted, and two new parties were established in 1985. Permits are required for public and private meetings. Groups wishing to hold political rallies or organized sessions sometimes encounter difficulties in the form of denial or delays in the issuance of permits or of investigatory arrests of attendees. Police are normally in attendance at such meetings. During the electoral campaign in 1985, opposition parties complained of harassment and threats, particularly from the newly formed National Youth Service, which serves as a police auxiliary, and from the Basotho Youth League, an arm of the ruling BNP. These groups are widely reported to be armed.

All trade unions in Lesotho enjoy the right to organize, bargain collectively, and strike. However, trade unionism has played a relatively minor role in society, largely because of the small size of the modern manufacturing, retail, and

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service sectors. In 1984, the Government intervened to help form a single trade union confederation after negotiations for the merger of the two existing confederations broke down. Although there is still some opposition to the new confederation, named the Lesotho Congress of Free Trade Unions (LCFTU), 24 of Lesotho's 28 trade unions participated in the LCFTU's first convention in May 1985 and elected the existing leadership to 3-year terms. The LCFTU has rewritten Lesotho's badly outdated labor laws and expects to submit to Parliament later this year the draft agreed to by the Employers' Federation and the Government.

Union, government, and employer representatives have participated in delegations to the International Labor Organization and other foreign trade union organizations. Lesotho has hosted meetings of the labor arm of the Southern African Development Coordinating Conference and the international mineworkers. The LCFTU is a member of the International Confederation of Free Trade Unions, as well as of the Organization of African Trade Union Unity.

c. Freedom of Religion

There is no state religion in Lesotho. Free and open religious practice is permitted. Christianity is the dominant faith of the majority of Basotho, with the principal denomination being Roman Catholic. There is a significant Protestant minority as well, which is composed of the Lesotho Evangelical Church (Presbyterian), the Anglican Church, and a wide variety of other denominations. Conversion is permitted, and there is no indication that there is any social or political benefit attached to belonging to any particular sect.

The Government has been critical of church groups and leaders, accusing them of conspiring with opposition political factions which support violence, and has harassed prayer meetings calling for national reconciliation. Prominent church leaders have been among those who have received death threats.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Movement within the country is not restricted, although the police and the military sometimes set up temporary roadblocks to check insurgent activity. There is no legal restraint on emigration, but overseas travel is made more difficult by the sizable repatriation deposit required of passport applicants. Many citizens of Lesotho perform migrant labor in South Africa's mining and other industries.

Several thousand refugees from South Africa reside in Lesotho. They are generally free to move about the country although the Government imposes restrictions on their political activities as a condition of entry. Until recently, government policy has been to integrate refugees into the mainstream of Lesotho society to the extent possible. However, since the South African raid against refugees in Maseru in 1982, and in light of continuing pressure from South Africa, Lesotho has, in practice, become primarily a country of transit for refugees. Although Lesotho is a signatory of the U.N. Protocol Relating to the Status of Refugees, refugees who leave Lesotho on U.N. travel documents issued by Lesotho are sometimes not granted the right to return. A number of political exiles from Lesotho are resident in neighboring countries, notably Botswana and South Africa. The 1980 Amnesty Act allows political

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exiles to return after signing statements concerning any criminal acts they may have committed, but few have done so.

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

Prime Minister Jonathan and the leadership of his Basotho National Party have ruled Lesotho since 1965, and, after voiding the results of the first postindependence elections in 1970, did not permit new elections until 1985—15 years later. The 1985 elections were marked by a series of opposition complaints, first over electoral procedures, and then over allegations of harassment at meetings and rallies and over death threats to some leaders. The leader of the Marematlo Freedom Party filed an urgent petition with the High Court requesting a ruling to delay the election date, but the suit was dismissed on August 13. As a result, all the opposition parties agreed not to participate in the election. On nomination day, the candidates of the ruling BNP from each of the 60 constituencies were unopposed and were therefore declared elected on September 17, 1985. In view of the opposition boycott of the elections, it has been difficult to assess the true level of support for any of Lesotho's political parties. The leaders of 4 of the opposition parties were among a list of 20 persons nominated by the King to be members of the National Assembly, but according to a recent report, all 4 had declined.

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

In past years, representatives of Amnesty International who have visited Lesotho to investigate human rights conditions have met with government officials and have been given access to some security detainees who complained of abusive treatment. In general, the Government has attributed alleged human rights violations to an excess of zeal or indiscipline by low-level police or military officials. The Government maintains that any abuses are not sanctioned by government policy and has pointed out that judicial remedies for alleged abuses are available in the courts. As indicated in its 1985 Report, Amnesty International remains concerned about detention without trial of suspected opponents of the Government and about deaths of prisoners while in custody. In 1985, Amnesty International brought to the attention of the Government of Lesotho reports it had received that death threats had been made against 14 named Basotho. As reported over Radio Lesotho, the Government said it was not knowledgeable about such threats but condemned such action and promised to punish the guilty parties if they are found. Freedom House rated Lesotho "partly free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Lesotho's population is estimated at 1,512,000, with an annual growth rate of 2.6 per cent. Designated by the United Nations as "one of the least developed countries," Lesotho had a per capita gross national product of \$460 in 1983. Lesotho's economic plight is complicated by its lack of natural resources, its mountainous terrain, and low rainfall. Development of water resources, including potential hydropower, appears the best long-term prospect for economic development.

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Lesotho's economy is closely tied to South Africa's economy. Remittances from migrant workers in the Republic of South Africa are of crucial importance since over 90 percent of the country's imports come from South Africa. Lesotho is a member of the Customs Union Agreement between the Governments of Lesotho, Botswana, South Africa, and Swaziland, and is a member of the Rand Monetary Area. Customs Union receipts in recent years have averaged about 70 percent of total government revenues. These funds, coupled with donor support programs, have managed to prop up a weak economy. Only about 10 percent of the labor force in Lesotho is employed outside traditional agriculture. The prospect of better paying jobs has attracted the best of the Lesotho labor force to South Africa, including the homelands, at the expense of local development.

Life expectancy was estimated at 54 years in 1985, and the infant mortality rate was 98 per 1,000 live births. Nutritional standards are barely adequate, with the ratio of caloric supply available for consumption to nutritional requirements estimated in 1977 to be 102 percent. Drought conditions over the last few years, however, have hit some areas hard, and cases of malnutrition have been reported. In 1975, only 17 per cent of the population was estimated to have access to safe water. A severe water shortage in the capital city in late 1985 caused a major setback in efforts by the Government and international donors to improve this situation.

Lesotho has a long history of church-sponsored primary schools throughout the country, which have contributed to a comparatively high adult literacy rate, i.e., approximately 60 percent. School enrollment in 1982 was 128 percent of the number of children in the primary age group--110 per cent for boys and 148 percent for girls. Church and government commitment to education is considerable, and despite a shortage of funds, universal education and improvement of educational quality is underway.

The Employment Act of 1967 spells out basic workers' rights including a 45-hour workweek, a weekly rest period of at least 24 hours, 12 days' paid leave per year, and pay for public holidays. Employers are required to provide adequate light, ventilation, and sanitary facilities for employees and to install and maintain machinery to minimize the risk of injury. Children under 14 years of age are prohibited from employment in anything other than family businesses. Children under 16 are not allowed to work in excess of 8 hours a day, and employers are prohibited from employing any child in hazardous conditions. The Government sets minimum wages for various types of work. In practice, these regulations are generally followed.

All Basotho have fairly equal opportunities, although in the areas of property and contracts married women's rights are limited by law and custom. For example, a married woman cannot apply for a loan without her husbands' written consent. Women in Lesotho have traditionally been the stabilizing force in the home and in the agricultural sector, given the absence of over 100,000 Basotho men who work in South Africa. There are more female than male children who complete primary and secondary schools. Better use of women's talents and abilities will depend on their access to credit, changes in the land tenure laws, and cultural practices. The Government speaks of increasing women's rights but is doing little to actually upgrade the status of women in Lesotho.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: LESOTHO	1983	1984	1985	
I.ECON. ASSIST.-TOTAL...	21.0	22.2	18.8	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	21.0	22.2	18.8	
A.AID	12.3	10.0	10.8	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	12.3	10.0	10.8	
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0	
B.FOOD FOR PEACE.....	7.3	10.7	8.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	7.3	10.7	8.0	
TITLE I-TOTAL.....	0.0	0.0	0.0	
REPAY. IN \$-LOANS.....	0.0	0.0	0.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	7.3	10.7	8.0	
E.RELIEF.EC.DEV & WFP.	3.3	4.6	2.7	
VOL.RELIEF AGENCY.....	4.0	6.1	5.3	
C.OTHER ECON. ASSIST...	1.4	1.5	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	1.4	1.5	0.0	
PEACE CORPS.....	1.4	1.5	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
A.MAP GRANTS.....	0.0	0.0	0.0	
B.CREDIT FINANCING....	0.0	0.0	0.0	
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0	
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E.OTHER GRANTS.....	0.0	0.0	0.0	
III.TOTAL ECON. & MIL...	21.0	22.2	18.8	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	21.0	22.2	18.8	
OTHER US LOANS.....	0.0	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	0.0	0.0	
ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	1946-85
TOTAL.....	10.3	32.7	49.6	232.1
IBRD	0.0	0.0	0.0	0.0
IFC	0.0	0.0	0.0	0.3
IDA	0.0	15.2	13.5	98.9
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	9.4	16.6	36.1	105.3
UNDP	0.9	0.9	0.0	24.3
OTHER-UN	0.0	0.0	0.0	3.3
EEC	0.0	0.0	0.0	0.0

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Liberia has been ruled by a military government since the 1980 coup led by Master Sergeant Samuel Kanyon Doe ended 133 years of constitutional government. The previous government was an oligarchy comprised largely of the descendants of freed slaves from the United States and the West Indies, who constituted about 5 percent of the population. Doe and his colleagues, all young noncommissioned officers with indigenous backgrounds, justified taking power as a revolt against elite minority rule. They established a military government ruled by the People's Redemption Council (PRC), suspended the Constitution, instituted martial law, and banned political activities.

In 1984, the new Government instituted steps to return Liberia to democratically elected, constitutional, civilian rule. These steps included the drafting of a new constitution and lifting of the ban on political parties. Controversy soon surrounded the political reform program, both before and after the October 15 elections--the first national elections in Liberia's history based on universal suffrage. The Government carefully controlled the reform process by setting sharp limits on political debate (Decree 88A), forming a government party, establishing high registration standards, and banning two popular parties on the grounds they advocated Socialist policies, thereby reducing the number of eligible political parties to four. The campaign itself was lively, and both government and opposition parties received coverage in the media which consists of both government and nongovernment newspapers and radio. Voting on election day appeared generally free and open, with popular interest in the process very high. There were, however, immediate and widespread allegations of illegal procedures in connection with the counting of the votes. The Special Elections Commission announced that Samuel Doe had won the Presidency by 50.9 percent and that his party had garnered 80 percent of the House and Senate seats. The three opposition parties denounced the results as fraudulent and announced they would contest them in court.

During 1985, there was an April assassination attempt against Samuel Doe and a subsequent coup attempt against his Government which occurred shortly after the election results were announced. On November 12, a small force including some non-Liberians and led by former Army Commanding General Thomas Quiwonkpa entered Liberia from a neighboring country and attempted to overthrow the Government. Although the coup attempt lasted only a few hours, there was considerable loss of life associated with the abortive coup and its aftermath. No accurate casualty figures are available, but there are unconfirmed estimates that some 450-500 people, including Quiwonkpa, lost their lives in this period. In its wake, there were widespread arrests by government forces of military persons and civilians. There were reports of summary executions, killings, and reprisals against certain ethnic groups by government forces or government supporters. Both the Quiwonkpa and government forces and supporters engaged in beating presumed opponents during and following the coup, and homes were looted by both sides.

Against this background, Liberia's mixed economy, with significant state enterprise activity, continued to decline in 1985 due to weak export markets, economic mismanagement, lack of fiscal discipline, a large foreign debt, and government corruption. Foreign exchange receipts and government revenues

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are heavily dependent on exports of iron ore, rubber, and timber, all of which have suffered prolonged market decline. The Government has attempted to reduce income disparities by increasing employment in government, but this has only postponed needed economic reforms. Retrenchment of government workers was begun in late 1985.

While there were some notable achievements in 1985, such as the holding of multiparty presidential and legislative elections that were covered by both government and nongovernment media, concern over human rights performance in Liberia increased during the year. The Government used its authority *inter alia* to curtail political debate, to limit the number of political parties, and to detain opposition leaders and hold them incommunicado. In the wake of the October elections there was a bloody coup attempt in November, which left many dead and others in prison awaiting trial. The establishment of a constitutional government in place of military rule provides the basis, if respected, for greater protection of political and civil rights. Liberia returned to civilian rule on January 6, 1986, when the new Constitution officially went into effect.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

In 1985, there were reports of summary executions in connection with the April assassination attempt and the November coup attempt. An Army colonel accused of an attempted assassination on the Head of State was arrested on April 4. His investigation and interrogation ended in the early hours of April 8, and less than 12 hours later he was executed. The politicians whom he had implicated in his plot were arrested but subsequently released as there was no credible evidence of their involvement. Following the colonel's execution, the Government stated that the executed man had been tried by a military tribunal. There is, however, no public record that such a trial took place.

On November 12, former commanding general of the Liberian Armed Forces Thomas Quiwonkpa led an armed group in an attempt to overthrow the Government by force. Although no accurate casualty figures are available, there are unconfirmed estimates that some 450-500 lost their lives in the coup attempt and its aftermath. A variety of sources in Liberia reported immediate summary executions of military personnel involved in the coup. Quiwonkpa himself was captured and killed, and a number of his supporters were either killed in fighting or executed. The Government denied that there were summary executions, although it acknowledged that a number of supporters of the failed coup were killed in mop-up operations after the coup.

In November, after the attempted coup, a number of journalists were arrested. Charles Gbeyon, the editor-in-chief of the radio and television news for the Liberian Broadcasting System, was killed; the Government announced that it happened while Gbeyon attempted to resist arrest, although other sources disputed this account.

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b. Disappearance

A number of people disappeared (either went into hiding, were arrested or killed) in the wake of the November 12 coup attempt and have not yet been accounted for. No accurate figures are yet available for these disappearances.

In 1985, there were several instances when people disappeared and their mutilated bodies were later found. It is believed that these were cases of ritual killing. Some who practice traditional religions believe that ritual killing of others and the removal of certain parts of their bodies can increase one's power and chances of success in one's endeavors. The Government has condemned ritual killing but has been unable to identify the perpetrators.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Persons arrested are often subjected, upon or shortly after apprehension, to beating or whipping by security personnel as a form of summary justice and a means of preventive discipline. Such treatment is not generally repeated or used as a tool in interrogation.

In 1985, there was an increase in reported instances of torture of political detainees and prisoners. There were reports of physical abuse of a number of persons arrested on suspicion of involvement in the November 12 coup attempt. Four individuals detained for 9 months without charge, allegedly in connection with the publication of an underground leaflet, were reportedly given 50 lashes each. It was widely reported that these four and two others detained in connection with the same publication were then each given 25 lashes upon transfer to a different prison several months later. Two journalists were also reportedly given 50 lashes each when they were arrested after announcing their intention to sue two high ranking government officials for false imprisonment in connection with an earlier detention which followed the journalists' publication of a story on government corruption.

Approximately 12 persons, some of whom had been participating in an opposition party political rally, were detained in Grand Gedeh County and were beaten and whipped. In one case, family members of a politician were detained as hostages to force him to turn himself in for making "contemptuous remarks against the Interim National Assembly." The Defense Minister also threatened to arrest the families of two wanted men unless the families disclosed their whereabouts.

Prison conditions are generally poor. Cells are often small, overcrowded, and without windows or ventilation. Food, exercise opportunities, and sanitation facilities are usually inadequate. Prisoners are often stripped to their underwear. One opposition party leader was stripped when he was arrested and forced to pose in his underwear in front of the executive mansion. Government supporters, including a government minister, were publicly stripped and beaten by supporters of the coup attempt on November 12, and their property was destroyed or stolen. Some opposition party officials and journalists arrested following the coup were reportedly beaten or mistreated, either at the time of arrest or afterwards, and some of their homes were looted or burned.

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Custom and government regulations permit "trial by ordeal" in some criminal and legal cases, although senior government officials have spoken out against the practice. While the suspect's consent is formally required, social pressure may play a coercive role. The ordeal usually consists of drinking liquid prepared from the bark of a sassywood tree. Vomiting the liquid after ingestion indicates innocence, while its retention signifies guilt. Even if vomited, the liquids may be toxic. There were no reports of sassywood-related deaths in 1985.

d. Arbitrary Arrests, Detention, or Exile

Since the 1980 coup, martial law has coexisted with civilian law enforcement and the judicial machinery. Although the Constitution and the writ of habeas corpus have been suspended, the full body of pre-1980 statute and case law is in most cases regarded as valid. In theory, civilians charged with statutory violations are arrested by police with warrants, must be charged within 3 days of arrest, have the right of bail in noncapital offenses, are entitled to legal counsel, and may be convicted in a court of law only under due process procedures. In practice, however, reports of abuses by police and soldiers are frequent. Civilians have been arrested or threatened with arrest by soldiers and police who then require payment of a fine. In cases of arrests for political crimes, there have often been long delays, eventual trials, sometimes harsh sentences, then pardoning by the Head of State or release on other grounds.

In 1985, in connection with preelection political activities and in the aftermath of the November 12 coup attempt, there was a significant increase in the number of arbitrary arrests. More than 50 individuals were arrested for expressing views critical of the Government or for engaging in opposition party activities. For example, two leaders of an opposition party were detained without charge for 2 months for "making remarks contemptuous of the Interim National Assembly." Most were detained without charge for periods ranging from several hours to 10 months. Six university students and opposition party members were detained for 10 months for their alleged connection with the publication of an underground pamphlet. Of the detainees, two were charged with "breach of security" and one with sedition for criticizing the Government. The two charged with breach of security were later released without trial.

In November, after the coup attempt, at least 200 military and perhaps as many as 400 civilians were arrested and investigated on suspicion of involvement in, or sympathy with, the attempted coup. At the end of 1985, some military personnel had been charged and closed courts-martial were under way. Over 50 civilians had been released, including presidential candidates of the Unity Party and the Liberian Unification Party and the chairman of the Liberian Action Party. Others, including the presidential candidate of the Liberian Action Party (Jackson Doe) and a former Minister of Finance (Ellen Johnson-Sirleaf), were still being detained. Civilians being detained had not been allowed access to lawyers and trials had not been scheduled as of December 31.

There was also a noticeable increase in 1985 in the number of detainees held incommunicado. The Government refused to allow lawyers, family, friends, or, in one case, the Red Cross and a

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local doctor, to visit these prisoners. For more than 3 months, the Government refused to acknowledge that one opposition party official had even been arrested. It was only after the detainee escaped that the authorities admitted that he had been in custody for more than 3 months. As of late December, some persons detained after the November 12 attempted coup had not been allowed visits by their lawyers, family, or friends.

In March, the Head of State established a special task force for debt collection headed by the Minister of Defense. Several dozen people were arrested without warrant and imprisoned without a hearing. They were held until they paid their taxes, made arrangements to pay them, or convinced the authorities that they did not owe the taxes.

The Government does not exile its citizens. In fact, the Head of State and other government officials have on many occasions urged Liberians who fled or stayed abroad after the coup to return home. In most cases, those who did return have not been persecuted.

The Liberian Government neither practices nor condones forced labor.

e. Denial of Fair Public Trial

Liberia's civilian court system is based on Anglo-American jurisprudence. The military courts follow the uniform code of military justice of the U.S. military. The Liberian judiciary, both civilian and military, is vulnerable to influence exerted by the executive branch, and the Head of State has reversed unanimous Supreme Court decisions, notably in December 1984. While there are many good judges and lawyers, there have been widespread allegations of corruption among lawyers and judges and of interference in court cases by senior government officials. The concept of due process of law is well-established, but there are many allegations of bribe-related or politically motivated manipulations by judges.

The Government sometimes uses the military court system for "political cases." In 1985, three civilians--two journalists and a leading member of one of the opposition parties--were tried in camera by a military tribunal. The defendants were not allowed civilian defense counsel. One of these trials, involving the two journalists, was suspended after 2 days, and the journalists were released after approximately 2 months' detention. A leading member of one of the opposition parties, former Finance Minister Ellen Johnson-Sirleaf, who was accused of sedition for criticizing the Government, was found guilty by a closed special military tribunal and sentenced to 10 years in prison. Shortly after the sentence was passed, the Head of State pardoned her. This special military tribunal was formally disbanded on January 4, 1986.

In November 1985, a large number of military personnel and civilians were detained in connection with the November 12 coup attempt, and investigations of people whom the Government suspected of coup involvement began. By the end of 1985, in camera courts-martial were under way, with appointed military lawyers for some military personnel, on charges including conspiracy, mutiny, and sedition. At the end of the year, however, only five civilians had been indicted. In early January, the Government announced formal charges of treason

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against one additional detainee. The Liberian Government had announced that it would hold open trials in civil courts for any civilians indicted on charges of involvement in this attempted coup.

In 1985, several opposition political parties faced legal challenges to their registration. In two cases, the probate court ruled in the parties' favor but allowed significant delays in the cases, despite the fact that the parties faced a registration deadline. Appeals to the Supreme Court faced long delays. The Supreme Court's handling of these cases led to accusations that the Court was attempting to delay or even prevent the registration of opposition political parties. In the end, three opposition parties were allowed to register to participate in the elections.

Traditional courts presided over by tribal chiefs are not bound by Anglo-American common law or judicial principles but apply customary unwritten law to domestic and land disputes and petty theft. These decisions may be reviewed in the statutory court system or may be appealed to a hierarchy of chiefs, followed by administrative review by the Internal Affairs Ministry and in some cases a final review by the Head of State. Allegations of corruption and incompetence in the traditional courts are commonplace.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Under the martial law regime currently in effect, security forces may enter private residences without warrants, although civilian courts continue to issue warrants prior to such entry in most cases. Before the November 1985 coup attempt, there had been several cases reported during the year of persons arrested in their homes without warrants. In the brief period of control in parts of Monrovia by forces led by Quiwonkpa during the November coup attempt, homes and property of some government ministers were sacked and some members of the Doe Government were arrested and beaten. After the coup attempt had failed, there were widespread arrests without warrants of military personnel and civilians and reports of beatings, killings, and other reprisals against some opposition groups. The Government stated that some of the civilians, particularly opposition leaders who were later released, had been taken into protective custody in a period of great tension and civil disorder. Other military and civilians were being investigated for possible involvement in the coup attempt. In the period after the coup attempt, police and soldiers searched many homes without warrants. Houses and buildings associated with some opposition leaders, including the Liberian Action Party headquarters, were burned or looted. There were also reports of soldiers looting both in Monrovia and in the countryside. The Government called for a restoration of public order and an end to ethnic violence, but there were reports of lootings and ethnic reprisals for days after the coup attempt.

There is no evidence of widespread monitoring of telephones or correspondence, but there have been allegations of specific instances of these practices.

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Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Liberia has a relatively vigorous press, including a number of independent newspapers. However, the Government has passed laws and taken actions restricting freedom of speech and press. Among these actions in 1985 were the detention of journalists and the dismissal of members of the Interim Assembly for criticizing the Government. The key statutory limitation to free speech is Decree 88A which makes it a felony to accuse any government official or other individual of any crime if the purpose of the accuser is to injure the person's reputation, to create disharmony, to spread rumors, to undermine the security of the State, or to impede the electoral process. Some independent newspapers, opposition political parties, the Liberian Business Caucus, and the Liberian Council of Churches have called Decree 88A an unwarranted restriction on freedom of speech and press and demanded its repeal. Opposition party officials said the decree restricted their ability to mount effective political campaigns since they were unable to criticize the Government.

Government officials frequently warned the press and other media in 1985 to temper their criticism. Head of State Doe stated that papers which published articles "designed to create fear and confusion" would face the consequences of the law. According to several newspaper accounts, the Minister of Defense summoned the publisher of one of the independent papers to the Ministry on October 31 and criticized his paper's coverage of the Head of State's election victory. He allegedly warned that the Government would "no longer tolerate" attempts by journalists to "create division among the people." The Government also allegedly threatened to close two radio stations because of their election coverage. In October, the Justice Minister warned that anyone spreading lies and rumors about the election results would be prosecuted.

Some other specific actions included: (1) In January, the Government closed a leading independent newspaper on the grounds that it was "antigovernment." This was the fifth closure of the paper, and it remained closed at the end of the year. (2) In August, another independent paper was closed when the Government accused it of "injuring the image of the government." The ban was lifted 1 month later. (3) In September, members of the youth task force of the Government's party carrying batons and chains entered the office of a leading independent newspaper and threatened to destroy the office if the paper continued to print articles critical of the task force.

Despite considerable self-censorship, there are no formal procedures in place to censor the independent media, and the relatively independent press did its best to provide balanced coverage of the process of transition to civilian rule.

There is no prohibition against receiving foreign publications, but occasionally the Government bans a particular issue of a foreign periodical. The magazine, West Africa, is currently banned in Liberia.

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b. Freedom of Peaceful Assembly and Association

The ban on political parties was lifted in 1984, and parties have generally been allowed to hold organizing meetings. However, in many instances opposition parties were denied access to public buildings such as town halls and stadiums. In some counties, opposition parties were prohibited from holding rallies. One opposition party was suspended for 3 months for publishing a pamphlet before the party was registered, although there was no prohibition against this in the election law. The leaders of two opposition parties were "banned," which meant they were prohibited from attending political meetings or giving speeches or interviews. One opposition party was banned because its vice chairman made remarks "detrimental to the stability of the state," and another party was banned for its "alien philosophy."

In 1985, the Head of State lifted a previous suspension on the activities of fraternal organizations such as the Masons. There are no official restrictions on social, recreational, or self-help development associations. There had been no official restrictions on other civic organizations until November 1985 when the Liberian Government announced a ban on five organizations: the Press Union of Liberia; the National Union of Liberian Teachers; the Liberian National Students' Union; the Liberian Business Caucus; and the Provisional Student Leadership Council of the University of Liberia. Although the Government gave no explanation of the ban, members of some of these organizations had been outspoken during the campaign or have been in detention following the November coup attempt.

Workers have the right to form unions and to organize and bargain collectively. Liberia has a national trade union confederation, the Liberian Federation of Labor Unions (LFLU), as well as several independent unions. However, organized labor represents only a small part of the labor force. Approximately 70 percent of all workers are engaged in subsistence agriculture and are not affected by the union movement. Unions represent an estimated 20 percent of the workers in the monetary sector of the economy.

Union organizing, collective bargaining, and the internal operations of trade unions are largely free from government interference. Nevertheless, in one case in 1985, the Head of State ordered the Labor Ministry to recognize one of two competing unions as the bargaining representative for workers at the Firestone plantation, despite the fact that the issue was at the time under appeal to the Supreme Court. The Liberian Government's suspension of a union which previously represented the workers at Firestone was criticized by the International Labor Organization (ILO) in 1985, and the ILO has requested more information on the Government's handling of the matter. Unions are prohibited from strike action, but brief strikes have occurred despite the ban. In most cases, workers have been persuaded to return peacefully to their jobs, and the Government has taken no punitive actions against them.

The LFLU is a member of the Brussels-based International Confederation of Free Trade Unions, as well as the continent-wide, Ghana-based Organization of African Trade Union Unity.

In 1983, and again in 1984 and 1985, the Liberian Government was cited by the ILO for violations of ILO Convention 87,

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regarding freedom of association, because Liberian legislation does not recognize the right of Liberians in the public service or in government enterprises to unionize or the right of workers to strike. The Liberian Government, the unions, and employers have drafted a new labor code which eliminates the objectionable legislation cited by the ILO, but the new labor code has not yet been promulgated.

c. Freedom of Religion

Freedom of religion is recognized and respected by the Government of Liberia. The pre-1980 constitution called for separation of church and state, a concept repeated in the new Constitution. Christianity, brought by 19th century settlers and spread through the interior by missionaries, has long been the religion of the elite groups but has not been an official or state-favored religion. The majority of the rural population continues to practice traditional religions, and approximately 20 percent of the total population is Muslim. The Government does not practice discrimination against any religious group. Although there is a tendency among some Liberians to view Muslims as "outsiders," many government officials are Muslims, and Muslims are active throughout the economy.

During 1985, Head of State Doe twice warned the clergy to stop making political statements. After the Methodist bishop made remarks critical of the Government, the Government withdrew the Methodist Church's duty-free privileges and ended a government subsidy to Methodist schools. In November, the radio program of one religious leader who had been critical of the Head of State was canceled by the government-owned radio station. The program was later reinstated.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

In general, neither domestic movement nor foreign travel is restricted. Exit visas are required for departure and exit visas are occasionally denied. Neither immigration nor emigration is formally restricted. Refugees are not generally forced to return to the countries from which they have fled.

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

Since the 1980 coup, Liberia has had a military government. Head of State Doe gradually consolidated his position and there were no effective checks on the power of the executive branch. At the end of 1985, however, preparations were under way for the institution of constitutional civilian rule on January 6 under a constitution which provides for the separation of powers and a system of checks and balances among the three branches of government.

In 1980, Head of State Doe pledged to return Liberia to a democratically chosen, constitutional, civilian government and subsequently instituted a series of steps toward this goal, including: drafting a new constitution; establishing an interim National Assembly; organizing a commission to supervise elections; initiating two voter registration drives; conducting a national referendum on the Constitution; and lifting the ban on politics. The elections, held in October 1985, attracted a

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large voter turnout. Election day appeared largely free of attempts to intimidate the voters.

However, there have been persistent and widespread allegations that the Government, the Special Elections Commission (created by the Head of State to organize and supervise the elections), and the Head of State's National Democratic Party of Liberia (NDPL) manipulated the transition process and engaged in illegal activities to secure victory for the NDPL. The Government, in turn, alleges irregularities by opposition parties during the elections.

Eight of the 13 opposition parties were unable to meet the high financial requirements established by the Special Elections Commission (SECOM). Two other opposition parties were banned by the Government for espousing Socialist policies. All three opposition parties encountered procedural and legal delays; one was not registered until six weeks before the election. No opposition party was able to complete registration before July 1985, while the government party was registered in November 1984. As noted above, the opposition parties met a variety of other legal obstacles, such as Decree 88A, and opposition party supporters in some localities were jailed, intimidated, and prevented from campaigning by local government officials.

The Interim National Assembly reduced the number of representatives to be elected on the grounds that the Government could not afford the salaries and support costs of a large House of Representatives. The manner in which constituencies were redrawn resulted in 26 percent of the population electing 46 percent of the representatives.

The election law, written by SECOM and approved by the Government, stated that competing party representatives were to be present during ballot counting at polling stations, consulted on questionable ballots, and allowed to sign the official vote tally. The results of these tallies are unknown, but after the elections, SECOM's chairman ruled the tallies invalid because one opposition party allegedly had infiltrated the pollworkers. As a result, the chairman established a 50-member committee without official representation by the opposition political parties to recount the ballots. There was no provision in the election law for such a committee. There were widespread though unconfirmed allegations that some ballots counted by the 50-member committee were fraudulent and that many ballots were secretly removed from ballot boxes and burned. On October 29, the Special Elections Commission announced that Samuel Doe had been elected with 50.9 percent of the vote and that his party had won 80 percent of the legislative contests. All of the opposition parties denounced the vote-counting procedure as illegal and fraudulent. They announced their intention to challenge the election in court and their refusal to accept the legislative seats they had reportedly won. In fact, however, in early January 1986, 12 of the 18 opposition legislators did take their seats. By-elections will probably be held for the other 6 seats if the elected members continue to refuse them after 30 days.

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

Foreign journalists and other observers were allowed to cover the Liberian elections in October. Several times this year the

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Government has met expressions of concern or requests for information about alleged violations of human rights with the argument that they constitute unwarranted interference in Liberia's domestic affairs. The Government has generally been unwilling to supply information on alleged human rights violations. The Government refused permission for the Red Cross and a local doctor to visit political prisoners who had allegedly been beaten. In the month following the November 12 coup attempt, people arrested in connection with that attempt were not allowed visits by lawyers or independent international groups. Several of those arrested have subsequently been allowed visits by lawyers. Some have been allowed visits by family members. The Government has indicated it will allow outside observers at any trials of civilians which may result from investigation of the coup attempt. The U.S. delegation to Doe's inauguration had individual meetings on January 6, 1986, with Jackson Doe and Ellen Johnson Sirleaf and a group meeting with 12 other detainees.

Amnesty International, in its 1985 report (covering 1984), was concerned about the imprisonment of prisoners of conscience and about the detention, usually without trial, of other individuals suspected of criticizing the Government. Freedom House rates Liberia as "partly free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

In rural areas, where 70 percent of Liberia's estimated 2,232,000 (1985) population lives, the inhabitants practice subsistence agriculture and follow a traditional culture. The population is growing by 3.3 percent per year (1985).

The Liberian economy depends heavily on export of iron ore, rubber, and timber, whose production is dominated by foreign corporations. Expatriate communities, primarily Lebanese and Indian, also control an estimated 80 percent of retail and wholesale trade. However, foreigners until December 1985 have not been permitted to own real property, and citizenship is open only to Negroes or persons of Negro descent. Gross national product (GNP) per capita was estimated in 1983 at \$480 annually, but 50 percent of national income is held by only 5 percent of the population. The current per capita figure is probably significantly lower due to negative GNP growth each year since 1980.

Health care is poor, especially outside urban areas. Only 20 percent of the population has access to safe water (35 percent in urban areas and 6 percent in rural areas (1974). The infant mortality rate is 127 per 1,000 live births (1985), and life expectancy at birth is only 52 years (1985). Average calorie supply, however, was 99 percent of requirements in 1977.

Education for the growing population is a major problem. Two-thirds of all teachers are not professionally qualified and only 70 percent have finished high school. Only 25 percent of adults were literate in 1980 (42 percent of males and 9 percent of females). The primary school enrollment ratio was 80 percent (99 percent for males and 61 percent for females), but many students drop out. Only 22 percent of school-age children finish elementary school, and the dropout rate is much higher among women than men.

Liberia's labor laws provide for minimum wages and health and safety standards. However, the inspection is not rigorous. In

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many cases, the employer has provided appropriate protection, but the employees prefer not to follow the guidelines. Employers are prohibited from employing children under 16 during school hours. This is a difficult statute to enforce, especially since many children are engaged in subsistence farming. While it is difficult for the Government to inspect all workplaces and enforce the laws, any employee with a grievance can file with a labor inspector.

Liberia was founded by private American "colonization societies" as a territory where blacks could enjoy political, economic, and social freedoms denied them in the United States. Eventually, 20,000 settlers came to Liberia and they and their descendants have remained heavily influenced by American cultural, economic, and political models. In urban areas and along the seacoast where settler dominance was strongest, a modern sector has evolved with a free enterprise economy, substantial political and economic equality for men and women, and Anglo-American judicial procedures based on English common law as transmitted and modified by the American experience. Here, land is plotted, deeded, and held in fee simple, and women can inherit land and property. There is no formal discrimination in property ownership, educational opportunity, or participation in economic and political processes. Women in Liberia have held ministerial and ambassadorial positions and are represented in the professions and throughout the modern economy. Women hold two cabinet posts and several national judicial positions. There was one woman serving in the Interim National Assembly.

In rural areas, most land is held communally among the related families of a clan, and women perform most of the labor in food production and distribution, both for household consumption and market sale. As opposed to statutory marriage, seen as a contract between individuals, customary marriage is an agreement between families. With payment of a dowry under the customary marriage system, a woman is considered the property of her husband and family. Upon the husband's death, the marital contract continues with the family, which has certain obligations and responsibilities to the widow, or more commonly widows, if they remain with the family as wives to other relatives. In the traditional sector, women are not usually entitled to inherit from their husbands or to administer their estates. In addition, women are informally excluded, in many indigenous ethnic groups, from chieftancies or membership in the councils of elders that direct the affairs of the community. Female circumcision is widely practiced by those Liberians following traditional religions. In practice, especially in newly urban areas, many women use both the customary and statutory legal systems.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: LIBERIA

	1983	1984	1985	

I.ECON. ASSIST.-TOTAL...	62.8	66.0	65.5	
LOANS.....	16.7	15.0	6.0	
GRANTS.....	46.1	51.0	59.5	
A.AID	44.8	48.0	59.5	
LOANS.....	1.7	0.0	0.0	
GRANTS.....	43.1	48.0	59.5	
(SEC.SUPP.ASSIST.)...	32.0	35.0	43.0	
B.FOOD FOR PEACE.....	15.0	15.1	6.0	
LOANS.....	15.0	15.0	6.0	
GRANTS.....	0.0	0.1	0.0	
TITLE I-TOTAL.....	15.0	15.0	6.0	
REPAY. IN \$-LOANS.....	15.0	15.0	6.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	0.0	0.1	0.0	
E.RELIEF.EC.DEV & WFP.	0.0	0.1	0.0	
VOL.RELIEF.AGENCY.....	0.0	0.0	0.0	
C.OTHER ECON. ASSIST...	3.0	2.9	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	3.0	2.9	0.0	
PEACE CORPS.....	3.0	2.9	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II.MIL. ASSIST.-TOTAL...	12.7	12.3	13.2	
LOANS.....	6.0	0.0	0.0	
GRANTS.....	6.7	12.3	13.2	
A.MAP GRANTS.....	6.0	12.0	12.0	
B.CREDIT FINANCING....	6.0	0.0	0.0	
C.INTL MIL.EO.TRNG....	0.7	0.8	1.2	
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E.OTHER GRANTS.....	0.0	0.0	0.0	
III.TOTAL ECON. & MIL...	75.5	78.8	73.7	
LOANS.....	22.7	15.0	6.0	
GRANTS.....	52.8	63.8	72.7	

OTHER US LOANS.....	0.4	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.4	0.0	0.0	

ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	1946-85

TOTAL.....	15.6	98.6	11.1	422.9
IBRD	0.0	0.0	0.0	156.0
IFC	0.0	0.2	0.0	0.7
IDA	15.3	18.1	7.6	114.5
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	79.6	0.0	107.0
UNDP	0.3	0.7	0.0	26.3
OTHER-UN	0.0	0.0	0.0	7.5
EEC	0.0	0.0	3.5	10.9

MADAGASCAR

Madagascar is governed by a President and National Popular Assembly, both elected by direct universal suffrage, and a Supreme Revolutionary Council chosen by both the President and the National Assembly. President Didier Ratsiraka has broad constitutional powers, and his position is further strengthened by the influential role played by his political party, AREMA, which holds an overwhelming majority in the National Popular Assembly. The President's role has evolved in recent years into that of a power broker among various competing interests. Elections are actively contested within the controlled political framework sanctioned by the Government. This framework permits political activity by only the seven parties making up the National Front for the Defense of the Revolution, but whose political orientation ranges from moderate and pro-Western to pro-Soviet. Vigorous debate in 1984-85 National Popular Assembly sessions and negative votes by opposition parties indicate that the Assembly is becoming less of a "rubber stamp" organization. The President chairs the Supreme Revolutionary Council which is composed of political and regional leaders and representatives of the military forces. The Council approves basic policy guidelines, convenes and adjourns the National Assembly, and passes laws when the Assembly is not sitting.

The Malagasy internal security system is composed of the urban police force and the National Gendarmerie, which has jurisdiction in the provinces. On occasion, the National Peoples' Army has also been used for internal security purposes.

The Malagasy Constitution adopted in 1975 made "Socialism" the State's political philosophy. This led to the nationalization of a major portion of the economy. The private sector was reduced to a secondary, albeit still important, role. The economy subsequently deteriorated as production declined, foreign debt rose, and unemployment grew. However, in the past few years the Government has adopted economic reform measures, and agricultural production has stopped declining. Nevertheless, there is still widespread unemployment, and markets for export commodities are weak.

Fundamental liberties and individual rights are guaranteed by the Malagasy Constitution. However, several of these rights, such as freedom of the press and freedom of assembly, are restricted in practice. Rights normally considered inalienable, such as the inviolability of the home and the right to due process, may also be disregarded in cases involving state security.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There has been one political assassination in Madagascar's 25-year history. There have been, however, periodic outbreaks of political disturbances resulting in loss of life. In December 1984, street fights between "Kung Fu" martial arts enthusiasts and government-sponsored youth groups escalated into a downtown riot that left some 50 dead. When the

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victorious Kung Fu groups then began to play a vigilante role in Antananarivo's poorer districts and began to represent a threat to the State, the Government responded in August by attacking Kung Fu headquarters. Some Kung Fu were shot on sight. The official casualty count was 20 dead, 31 wounded, and 208 arrested, but there were credible reports that approximately 50 people were killed and 300 arrested. Casualties were reportedly buried in mass graves without being returned to families for traditional funeral ceremonies.

b. Disappearance

There were no reports of disappearance in Madagascar in 1985.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There were credible reports that the armed forces used torture in their campaign against outlaw bandits in Madagascar's southwest. There were also allegations that the security forces engaged in acts of brutality and torture. Prison conditions are reportedly poor; inadequate sanitation, poor health care, and unbalanced diet continue to be problems. However, there is no evidence of systematic or widespread mistreatment of prisoners.

d. Arbitrary Arrest, Detention, or Exile

There is no concept of habeas corpus in the Malagasy legal system. In criminal cases, the accused must be charged within three days or be released. However, persons suspected of activity against the State may be legally detained incommunicado for 15 days, subject to indefinite extension if considered necessary by the Government.

Defendants are generally formally charged within the specified time frame and, upon being charged, are entitled to the assistance of counsel. Counsel is readily available, and in cases of indigence, court-appointed counsel is provided. Arbitrary arrest or detention generally occurs, however, in cases which involve an alleged threat to the State, such as during the August attack against the Kung Fu. Minors who were arrested at that time have been released, but 34 adults who were arrested are still being detained incommunicado without formal charges having been filed or a trial date set. Such extended periods of pretrial detention are the exception, not the rule, and are usually limited to cases involving state security.

Forced labor is not practiced in Madagascar.

e. Denial of Fair Public Trial

Under the Malagasy Constitution and in practice, the judiciary operates independently of the executive and legislative branches of government. Defendants are normally afforded due process. Trials, including those for individuals charged with crimes against the State, have been open, and decisions judged to be impartial.

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f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The State does not intervene in the nonpolitical aspects of the lives of the people. The home is inviolable under Malagasy law. Intrusions into an individual's residence are permissible only under the authority of a warrant. However, at the time of the attack on the Kung Fu in August the military entered and ransacked homes without court orders.

Although government economic policies limit the choices open to an individual, the Malagasy may make their own decisions, without government coercion or interference, in such matters as changing jobs or residence, marriage, having children, or joining political parties or social organizations.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

All publications are subject to censorship administered by the Ministry of Interior. The Government provides guidelines on prohibited topics, but the guidelines are not always explicit nor are they rigorously enforced. When censorship is enforced, the newspapers leave blank those columns where the offending materials would have appeared. One example of government censorship was the severely restricted press coverage of its August attack on the Kung Fu. In general, private citizens are free to criticize government officials and policies without fear of arrest by the local authorities, but direct criticism of the President or the "Socialist revolution" is not tolerated. Government control of the media is further strengthened by state ownership of the radio, television stations, and a news bulletin. There are also, however, two independently owned French-language papers. Several dailies and weeklies are also put out by party groups, and independent publications are available in Malagasy.

b. Freedom of Peaceful Assembly and Association

The right of assembly and association is restricted in Madagascar. Permits are required to hold public meetings and can be denied by the Government if officials believe that the meeting poses a threat to the State or endangers national unity. Persons and groups belonging to the parties in the National Front are permitted to organize and assemble. Two of these parties held national conventions in the capital city in 1984 and in speeches and resolutions roundly criticized the Government. There were no major political meetings in 1985. Since political activity by groups outside the National Front is prohibited, dissenting political opinion is limited. Malagasy are free to establish nonpolitical private associations.

Although the right to organize labor unions is recognized, unions do not play a major role either politically or economically. The labor force of 4.5 million is mostly agrarian, and union labor accounts for less than 5 percent of the total. Unions are permitted to strike and conduct substantive wage negotiations, but because of the depressed economy, strikes have been few and trade unions relatively quiescent. Most unions are affiliated with the National Front parties.

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c. Freedom of Religion

The Government of Madagascar is secular, and there is no official religion. There is no discrimination on the basis of religious affiliation, and individuals are free to follow the faith of their choice. Missionaries and clergy are generally permitted to operate freely, and the Government has so far made no effort to restrain Christian churches which have become more active in criticizing government policies. However, churches not already established in Madagascar must obtain legal recognition from the Government, a process which can be difficult. Over half of the population is either Catholic or Protestant, with the remainder following traditional Malagasy religious beliefs or other faiths.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Government has imposed no restrictions upon travel within the country. Official approval must be obtained for trips outside the country, but exit visas are obtained without difficulty. Travel abroad is impeded by the difficulty in obtaining foreign currency since the Malagasy franc is not convertible abroad, and the Government limits the amount of hard currency that can be obtained for foreign travel. There is no refugee population in Madagascar.

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

The electorate's choice is constrained by the nature of the political system, since the only political parties allowed to operate in Madagascar are those which are members of the National Front. However, there exists a range of ideological and policy views among the Front parties, and within this spectrum there are viewpoints represented that are at odds with the policies of the Government. Thus, the electoral process does give the voters a chance to choose among candidates expressing differing views in local and regional elections and in the National Assembly and presidential campaigns. The electoral process, although not completely free from irregularities, has been essentially straightforward in recent elections, and elections are actively contested. The political system in Madagascar also reflects a considerable degree of regional balance. There are no special conditions of nationality or citizenship which exclude any elements in society from participating in the existing political process.

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

The Government has not cooperated with groups wishing to investigate alleged human rights violations and, in fact, denied visas to such groups as Amnesty International. There are no official representatives of human rights organizations in Madagascar. In the absence of private human rights groups, the Christian churches in the country have taken the lead in advocating respect for human rights. Although the Government is sensitive to criticism emanating from this quarter, it has not officially responded to questions or criticisms from the churches or any other groups. When the President's opponent in the 1982 election campaign called for supervision of the

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elections by Amnesty International, the President rejected this proposal as a derogation of national sovereignty. Amnesty International did not include a section on Madagascar in its 1985 Report due to insufficient information. Freedom House rated Madagascar "partly free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Madagascar is an island country more than twice the size of Great Britain. Some 9.5 million people inhabit its 592,000 square kilometers of territory, approximately 16 persons per square kilometer. The annual population growth rate is 2.8 percent. Madagascar is one of the poorest countries in the world with a per capita gross domestic product of \$310 (1983 figure).

Agriculture is the most important sector in the economy, accounting for almost 90 percent of employment and approximately 85 percent of export earnings. Under government controls, agricultural production declined in the late 1970's, and the Government had to import large quantities of rice, the staple of the Malagasy diet. Much of the agricultural problem is attributable to government marketing policies which subsidize consumer costs and control producer prices. Madagascar's external public debt reached over \$1.6 billion in 1984. Recent liberalizations in the marketing system, however, are beginning to show results: agricultural production increased slightly in 1984 and the long decline in economic activity has stopped. Inflation has been kept below 15 percent. To attract foreign investment, the Government recently adopted a new investment code.

Life expectancy at birth is 50 years and infant mortality is 101 per 1,000 live births. Health care delivery systems are plagued by shortages of medical personnel, inadequate facilities, and limited supplies of antibiotics and other medicines. Malaria remains a continuing problem, especially in coastal areas, and the population is quite vulnerable to outbreaks of disease following natural disasters such as flooding. Although 1977 statistics show that individual levels of caloric intake were at 110 percent of requirements, recent U.N. surveys indicate significant malnutrition in highly populated areas of the plateau and coast. This is the result of poor dietary habits and erratic distribution of foodstuffs. Further, only one-fifth of the population had access to safe drinking water (1980 statistic).

The official literacy rate in Antananarivo is 70 percent. However, overall literacy is somewhere around 55 percent. Primary school enrollment ratio was 90 percent for females and 98 percent for males (1980 figures). Recent dramatic increases in enrollment have resulted in overburdened school facilities, shortages of qualified teachers, and extremely high student-teacher ratios in the public school system and at the secondary and university levels.

Under the Malagasy work code the minimum age for employment is 14, but the employment of anyone under the age of 18 is prohibited in those areas where there is apparent and imminent danger. There is a 40-hour work week in nonagricultural and service industries. There are also provisions for holiday pay, sick and maternity leave, and insurance. By government decree monthly minimum wages have been established for unskilled workers in both the agricultural and nonagricultural

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sectors. The work code has rules concerning occupational safety and health as well as sanitation standards. In practice, the rules and regulations of the code are apparently adhered to by employers and are enforced by the authorities.

Madagascar has what is essentially a matriarchal society, and a highly visible role for women has been a long recognized and integral part of the country's sociological framework. There are no restrictions concerning activities in which women may engage. Women have a lengthy tradition of involvement in high level political activity, and currently there are women members of the Cabinet, Supreme Revolutionary Council, and the National Assembly. Women are also active and play major roles in the various political parties. Women have prominent positions in the business and economic life of the country, with many of them managing or owning business concerns or filling management positions in state industries. Education at all levels is open to women. However, women in rural areas and among the poor face a greater degree of hardship. In addition to the responsibilities associated with child rearing and household management, economic necessity forces these women to engage in long hours of farm labor or other similar activities. These conditions stem more from socioeconomic factors than from any discrimination against women in Malagasy society.

Although there are numerous indigenous ethnic groups in Madagascar, the society is relatively homogenous due to a common language and a tendency for what were perhaps once disparate cultures to draw together in an island environment. Nonetheless, prejudicial attitudes and rivalry among Madagascar's various ethnic groups still exist on a community level. Ethnic Indian, Chinese, and French communities have experienced some resentment from the Malagasy mainly because of their success in commerce. Ethnic Comorans have also in past years been the object of discrimination and physical attack. These groups have occasionally been the target of local government policies favoring Malagasy nationals.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: MADAGASCAR

	1983	1984	1985
I.ECON. ASSIST.-TOTAL...	9.0	13.8	18.1
LOANS.....	8.0	8.0	11.0
GRANTS.....	1.0	5.8	7.1
A.AID	0.0	0.6	5.4
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.6	5.4
(SEC.SUPP.ASSIST.)...	0.0	0.0	3.0
B.FOOD FOR PEACE.....	9.0	13.2	12.7
LOANS.....	8.0	8.0	11.0
GRANTS.....	1.0	5.2	1.7
TITLE I-TOTAL.....	8.0	8.0	11.0
REPAY. IN \$-LOANS.....	8.0	8.0	11.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	1.0	5.2	1.7
E.RELIEF.EC.DEV & WFP.	0.0	3.9	0.1
VOL.RELIEF AGENCY.....	1.0	1.3	1.6
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NAPCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.1	2.2
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.1	2.2
A.MAP GRANTS.....	0.0	0.0	2.1
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.1	0.1
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	9.0	13.9	20.3
LOANS.....	8.0	8.0	11.0
GRANTS.....	1.0	5.9	9.3
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1983	1984	1985	1946-85
TOTAL.....	86.9	114.3	108.1	971.6
IBRD	0.0	0.0	0.0	32.6
IFC	7.4	0.0	6.7	26.6
IDA	74.5	30.6	67.0	493.3
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	76.3	29.3	153.4
UNDP	5.0	7.4	0.0	57.3
OTHER-UN	0.0	0.0	5.1	15.5
EEC	0.0	0.0	0.0	192.9

MALAWI

The President of Malawi, Dr. H. Kamuzu Banda, has maintained nearly undisputed control over political life and government since independence in 1964, and he was proclaimed "Life President" in 1970. Opposition to the Government is banned and challenges to the system are suppressed. Total loyalty, not merely passive acceptance of party and government policy, is demanded under penalty of suspicion, if not detention, by the authorities. Civil liberties exist at the sufferance of the authorities and are highly circumscribed. Political activity is limited to participation in the sole legal party, the Malawi Congress Party. Military, police, and party security organs form a pervasive network which monitors civilian activity throughout the land.

Malawi inherited a parliamentary form of government from Great Britain. Elections are held every 5 years. Constitutional amendments and laws passed by the 101-member Parliament reflect decisions already taken by the President.

Malawi is still a very poor country. However, since independence the Government has used good planning and wise investment of the limited available resources to promote economic development. An emphasis on agricultural production for food self-sufficiency and exports has gradually improved the standard of living.

During 1985, two cases received outside attention from human rights groups. Appeals and inquiries were made on behalf of Orton and Vera Chirwa, both serving life sentences for treason (commuted from death sentences in 1984). Amnesty International has also expressed concern for three journalists detained in March 1985, reportedly because of a misquote published in the local newspapers. At the end of 1985, the journalists were still being detained, although no charges had been made against them.

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

a. Political Killing

There were no allegations of politically motivated killings during 1985.

b. Disappearance

In the past, surreptitious detentions by the police, acting at the behest of the party, have been behind disappearances lasting from a few weeks to several months. There are no known instances in which such detentions have led to death. There were no known political disappearances in 1985.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Beatings by the police at the time of detention or arrest, or during interrogation, are not officially condoned but do occur. Prison terms of hard labor are the norm for common criminals, with political detainees normally receiving less harsh or degrading treatment. Prison conditions are generally poor.

The Forfeiture Act permits the Government to revoke the property rights of those suspected of economic crimes. These

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actions sometimes have political overtones. When the Forfeiture Act is invoked, the individual--but not his family--loses all worldly possessions, including business, financial holdings, and personal possessions. Revocation of property rights constitutes an executive fiat with no judicial review. Notice of forfeiture must be published in the Official Gazette. There were no such cases published in 1985.

d. Arbitrary Arrest, Detention, or Exile

At any given time a number of individuals are detained arbitrarily for real or perceived offenses against the party or Government. Malawi residents (including Africans and those of Asian extraction) may be picked up almost at the whim of the authorities, held without charge for varying lengths of time, beaten, and released after several weeks or months. The usual cause for such treatment is suspected disloyalty to the President or expression of views which differ even slightly from the accepted norm. An unknown number of political prisoners are said to be under a loose form of detention such as house arrest. Rarely are those so detained charged officially and brought before either traditional or modern courts. A suspect may also be held without charge for a long period of time while authorities develop a case. It is impossible to estimate the number of arbitrary detentions and arrests made in Malawi in 1985. Forced labor is not practiced in Malawi except as a form of criminal punishment.

e. Denial of Fair Public Trial

Those charged with criminal offenses are tried in either the traditional or modern court system, depending on the nature of the charge. Those charged under the military codes of justice are tried in military courts. Lawyers usually are not permitted to assist the defendant in traditional court cases, but legal counsel is permitted in the modern court system. In the latter case, the defendant has the right of access to counsel before and during the judicial proceedings. In practice, Government and party exert little control over the trial system in cases tried before the high court or magistrate courts; hence, the modern judiciary is almost totally independent of the executive branch, notwithstanding the fact that the President appoints the Chief Justice of the high court who, in turn, appoints other modern court justices. These courts are open to the public, and defendants are charged publicly.

Traditional court justices are appointed directly by the President. The right of appeal exists in both the modern and traditional court systems. It is generally believed that there is little executive interference in traditional court cases dealing in matters of customary law, and there is no evidence of indirect executive pressure on traditional courts adjudicating cases of a political nature. Although the decision is that of the Director of Public Prosecution or the Attorney General, the recent trend indicates that political prisoner cases are likely to be tried before a traditional court, as in the Chirwa case. Amnesty International, in its 1985 report, noted that Orton and Vera Chirwa, by being tried in a traditional court rather than a high court, were placed at a disadvantage: they were denied the right to legal representation and the rules of evidence observed in the high court did not apply.

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f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

In private life, most people are not unduly affected by government authority. Malawian law calls for the issuance of individual search warrants before any home may be entered, but this is not always observed in practice. Police and quasi-military groups enter houses of suspects at will under special entry authority to conduct searches for people or incriminating evidence. Correspondence is monitored by the authorities, and those violating prescribed norms are punished.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Criticism of the Government and its policies is not tolerated. This proscription extends even to the Parliament, where the expression of total loyalty to the President and his Government is both expected and enforced under threat of expulsion or worse. All media are under direct or indirect government control. The two newspapers and sole radio station disseminate news directly authorized by the Government Information Agency and operate under informal self-censorship guidelines. Recently, both media have exhibited increasing candor in coverage of international issues. In practice, the principal focus of government censorship is on material deemed critical of the Government. Some freedom of inquiry into the natural and social sciences exists at the university level and may include some examination of political ideologies at radical variance with those of the Government, provided this does not extend to explicit criticism of the Government.

b. Freedom of Peaceful Assembly and Association

Individuals and organizations are generally free to meet and associate as long as the purpose is not to protest against government or party policy or practices. Professional, fraternal, and service organizations exist and are encouraged by the Government. No political meetings are permitted other than those of the party.

Labor unions exist, but their activities are highly circumscribed and generally ineffective. Collective bargaining is allowed but its use is limited. Strikes are not legally prohibited but rarely occur. Labor unions come under the Malawi Trade Union Congress, which, in turn, is subject to direction by the Ministry of Labor. With Government permission and supervision, the trade union organization associates with international organizations, and the Malawi Trade Union Congress is a member of the Organization of African Trade Union Unity and of the International Confederation of Free Trade Unions. While the labor movement has yet to achieve significant gains for its constituents, the principal explanation for its failure is economic rather than political: the economy of Malawi can sustain only a small number of wage earners, most of whom occupy positions as unskilled laborers on large estate farms.

c. Freedom of Religion

There is relative freedom of religion in Malawi for all religions whose particular religious tenets do not preclude recognition of the temporal authority of the state. Jehovah's

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Witnesses have been banned since 1967 because the Government considers the sect's activities to be disruptive of "the prevailing calm, law, and order." There is no state or preferred religion, and conversion from one religion to another is permitted. There are no restrictions on religious observances and ceremonies which do not impinge on government authority. Religious groups may establish places of worship and train clergy. There is no licensing of religious groups, but their publications, like all others, are subject to government censorship. Religious groups are free to establish and maintain links with coreligionists in other countries and are also free to travel abroad. Similarly, missionaries from abroad are permitted to enter Malawi and proselytize. There is no tie between any particular religion and the Malawi Congress Party.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Few restrictions are placed on movement within Malawi, but denial of passports on political grounds frequently extends to family members of persons in political disfavor and to those persons whom the Government suspects may criticize it if allowed to travel abroad. Legal provisions exist for restricting movement of those convicted of political or criminal offenses. Formal emigration is neither restricted nor encouraged. With the exception of a small group of political dissidents, there is no outward flow of Malawian refugees from the country. Expatriates born in Malawi may return. Citizenship may be revoked, but in practice this is not done. Malawi does not accord official refugee status but has given medical and other relief to displaced persons from neighboring countries and has pursued a policy of persuading rather than coercing them to return to their own lands. Asian residents and citizens are free to travel within the country but must reside and work in one of three urban areas (Lilongwe, Zomba, and Blantyre/Limbe). Within some of these urban centers, strict rules governing where Asians may own property result in limitations on where they may reside. Asian residents, whether Malawian citizens or not, have been compelled to transfer ownership of rural shops and trucking businesses to ethnic African Malawian citizens. Asians are free to expand into other areas of business, however, and industrial licenses for new Asian businesses are routinely granted.

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

All political decisions are made either directly by the President or those few closely associated with him. No opposition political parties or movements are permitted. Membership in the only political party is not mandatory, but active membership is expected of those who aspire to government positions (including the civil service) or even professional success. Access to government services, and to some nongovernment services such as local markets, is frequently based upon party membership. Nearly half of the population has at least nominal party membership. The party's pervasiveness and broad-based structure provide for some choice among candidates for party, parliamentary, or other offices. For example, as was the case in the 1983 election, there are often three candidates for election to a parliamentary constituency. All nominees, however, are selected by the party and submitted to the President for vetting. Active campaigning is not

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permitted. The National Assembly (Parliament) consists of both elected and appointed members and is mainly concerned with ratifying government policy. Its powers are broadly based in law but highly circumscribed in practice. Women are entitled to party membership and voting rights, and hold 13 of 101 elected seats in parliament. No women hold ministerial-level appointments.

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

The Government does not permit organizations such as the International Committee of the Red Cross and Amnesty International to conduct investigations in Malawi. No nongovernmental organizations devoted to the furtherance of human rights are permitted to exist. Expressions of interest in alleged human rights problems by outside groups or individuals are not welcomed and are usually ignored. Few government officials are even willing to discuss the subject of human rights. In its 1985 Report, Amnesty International continued to express concern about detentions without trial and the lack of effective safeguards against ill-treatment of political detainees. Freedom House considers Malawi "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Malawi is a small, densely-populated, landlocked country, whose principal assets are moderately fertile soil, good water resources, and a climate favorable to crop production. Despite the strides made since independence, Malawi remains one of the world's least developed countries. Per capita gross national product in 1984 measured only \$200, reflecting the absence of any appreciable industrial base in the economy. Malawi's current population of 7.1 million people is growing at an estimated annual rate of 3.3 percent.

Possessing no significant mineral resources, Malawi has since independence pursued a successful export-oriented agricultural growth strategy. The estate sector produces tea, tobacco, and sugar for export, while smallholders cultivate maize, and to a lesser extent, tobacco, cotton, groundnuts, and vegetables. In recent years, the country has been self-sufficient in food production and has exported surplus maize to its neighbors. Over 90 percent of the workforce is still engaged in subsistence agriculture.

Beginning in the mid-1970's, the country experienced mounting balance of payments problems and a halt to economic growth, due to such factors as escalation in import prices of fuel and capital goods; cyclical swings in the prices of agricultural exports; and interruptions in and resulting higher costs of transport in traditional rail routes to the Indian Ocean. With assistance from the International Monetary Fund and the World Bank, the Government embarked on an ambitious structural adjustment program aimed at restoring economic growth and achieving a sustainable balance of payments position. Economic growth has spurred in the last 2 years with gross domestic product increasing 4.5 percent and 6.8 percent in 1983 and 1984 respectively.

Life expectancy at birth is 45 years and the infant mortality rate is 159 per 1000 live births. About 37 percent of the rural population and 77 percent of the urban population have

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access to safe water supplies (1980). Calorie supply is 96 percent of requirements (1977). Primary school enrollment has climbed dramatically since independence with the 1980 enrollment ratio of school-age children estimated at 83 percent (male 95 percent, female 70 percent). The adult literacy rate is estimated to be 25 percent.

The minimum working age is 14, though this applies only to the relatively small urban sector. Less than 15 percent of the work force is employed in the formal-wage sector. For those fortunate enough to hold paid jobs, wages and working conditions are generally adequate, and paid holidays and safety standards in the workplace are required by law. However, wage levels are low, reflecting the abundance of unskilled labor, and the Government's desire to limit the rural-urban income gap and hence the rate of internal migration.

As mothers, women have enjoyed a high degree of access to the traditional health services and to extension programs geared toward improving women's homemaking abilities. Such programs, while beneficial, have failed to recognize the importance of women as agricultural producers in the rural sector (roughly 70 percent of all smallholder farming and over 50 percent of subsistence holdings are headed by women) and the potential role women can have in the modern sector. Although males still have a comparative advantage in terms of educational and employment opportunities, the Government has initiated sufficiently broad-scale programs to begin to rectify the discrimination which exists. A third of the positions in the public education system have been reserved for women. Within Malawi's traditional and primarily matrilineal tribal leadership structures, there are several small ethnic groups wherein women possess fewer rights and privileges and where female circumcision is occasionally practiced.

Malawi enjoys a considerable degree of ethnolinguistic uniformity. The vast majority of the population speaks and/or understands Chichewa, which was declared the national language in 1968. English is the official language for government and business. Malawi's indigenous groups are sufficiently alike in culture and social organization to permit relatively easy interaction, including intermarriage, mixing in agricultural settlements, and mixed grouping for political purposes.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: MALAWI

	1983	1984	1985
I.ECON. ASSIST.-TOTAL...	8.1	9.6	25.6
LOANS.....	0.0	0.0	0.0
GRANTS.....	8.1	9.6	25.6
A.AID	7.1	7.6	25.4
LOANS.....	0.0	0.0	0.0
GRANTS.....	7.1	7.6	25.4
(SEC.SUPP.ASSIST.)...	0.0	0.0	15.0
B.FOOD FOR PEACE.....	0.2	1.2	0.2
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.2	1.2	0.2
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN \$-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.2	1.2	0.2
E.RELIEF, EC. DEV & WFP.	0.2	1.2	0.2
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.8	0.8	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.8	0.8	0.0
PEACE CORPS.....	0.8	0.8	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.2	0.2	1.2
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.2	0.2	1.2
A.MAP GRANTS.....	0.0	0.0	1.0
B.CREDIT FINANCING.....	0.0	0.0	0.0
C.INTL MIL. ED. TRNG.....	0.2	0.2	0.2
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	8.3	9.8	26.8
LOANS.....	0.0	0.0	0.0
GRANTS.....	8.3	9.8	26.8
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0
ASSISTANCE FROM INTERNATIONAL AGENCIES			
	1983	1984	1985
TOTAL.....	58.3	143.1	70.6
IBRD	0.0	18.0	6.4
IFC	0.0	0.0	2.3
IDA	56.4	83.4	38.8
IDB	0.0	0.0	0.0
ADB	0.0	0.0	0.0
AFOB	0.6	35.7	23.1
UNOP	1.3	0.3	0.0
OTHER-UN	0.0	5.7	0.0
EEC	0.0	0.0	0.0
			1946-85
TOTAL.....			789.6
IBRD			99.6
IFC			28.3
IDA			447.1
IDB			0.0
ADB			0.0
AFOB			144.7
UNOP			41.4
OTHER-UN			14.0
EEC			14.5

MALI

Mali is a single party state in which effective authority is exercised by General Moussa Traore, Secretary General of the Democratic Union of the Malian People and President of the Republic. In 1968, President Traore, then a lieutenant, led a military coup which overthrew the leftist civilian government of Modibo Keita. Although Mali adopted a Constitution in 1974 which increased the number of civilians in the Government, the military continues to play an important role in party and governmental affairs. Military officers hold about a quarter of the senior positions in the cabinet and party, four of seven governorships, and an important portion of the lower level administrative posts, mostly in border areas.

Mali is one of the world's poorest countries with the average per capita income around \$160 a year. Landlocked and lacking easily exploitable mineral resources, except for some gold, Mali's economy is based on farming and animal husbandry, both of which have been severely affected by drought in recent years.

The political and human rights situation did not change significantly over the past year. Although civil rights are officially guaranteed, no organized political opposition groups are permitted within Mali. The Government has not, however, reacted harshly or brutally to opposition since the student riots in 1981. It permitted limited criticism in 1985 of its economic reform policies within the controlled context of official party or union meetings. The number of women holding important government positions increased slightly. The Government remained sensitive to any criticism of its human rights record. The country's only external problem is a border dispute with Burkina Faso which has been referred to the World Court.

RESPECT FOR HUMAN RIGHTS

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

a. Political killing

There were no reported incidents of politically motivated killings during 1985 in Mali.

b. Disappearance

There were no reported incidents of disappearance, abduction, or hostage-taking during 1985 in Mali.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Government of Mali does not officially condone police brutality, but physical abuse of suspects is sometimes used in police interrogation. Torture rarely occurs and never as a form of punishment. Public beatings by the citizenry of persons identified as thieves are known to occur, though not regularly. Prisons in Mali are not harsh by design, but lack of resources creates poor physical and health conditions. Amnesty International in its 1985 report again expressed its concern over alleged inhuman and degrading treatment of

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prisoners in Taoudenit and Kidal prisons situated in northern desert locations and appealed to the Government to improve conditions.

d. Arbitrary Arrest, Detention, or Exile

There were no reports of arbitrary arrests, detention, or exile during 1985 in Mali. The Malian judicial system is based on the French model so the principle of habeas corpus does not exist. Bail is not legally available, but prisoners are sometimes released on their own recognizance. Prisoners are usually allowed access to a lawyer of their choosing. Administrative backlogs often cause delays in bringing people to trial.

All forms of forced or compulsory labor are prohibited except in the case of convicted criminals.

e. Denial of Fair Public Trial

The judiciary is part of the executive branch and therefore potentially subject to interference. Trials are generally short in duration. While confessions are not coerced, defendants usually admit guilt and defense lawyers tend to argue mitigating circumstances. The verdict and sentence are rendered by a panel of three judges. The appeals process is limited to presidential pardon or call for a new trial. The National Assembly can convene a high court of justice to hear cases against state ministers. This court did not meet during 1985. Amnesty International indicates that at least nine political prisoners were reportedly held in Taoudenit prison in 1984 for involvement in a coup plot.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The inviolability of the home is guaranteed in the Constitution and generally respected in practice. Police searches are infrequent, and warrants are issued and recorded, but sometimes after the fact.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Malian Constitution does not guarantee freedom of speech or of the press. The state controls all Malian media and does not permit criticism of its authority. Criticism of specific programs, aspects of society, or the performance of government offices (rarely individuals) is allowed limited expression. The national labor union is allowed limited freedom to express dissatisfaction with some government austerity programs. Academic freedom does not extend to criticism of the Government or its policies. Journalists are all government employees. A few have been suspended or fired due to "impertinent" questioning, but in general have not been subjected to harsh reprisals. Private Malian publications expressing antigovernment views are not tolerated, but international publications, even those critical of Mali or its Government, are readily available and circulate freely.

b. Freedom of Peaceful Assembly and Association

The Malian Constitution guarantees the liberty of citizens to form organizations to protect their "professional interests,"

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but in reality only selected organizations such as urban professional associations qualify for this freedom. The only groups which assemble freely are the women's, youth, and labor associations of Mali's single political party.

The National Union of Malian Workers (UNTM) is the only recognized workers' organization. Workers are organized according to the type of work and belong to 1 of 12 unions which form the UNTM. Despite party affiliation, the UNTM claims to maintain a degree of autonomy from the Government. Strikes, though permitted by law, seldom occur. The UNTM maintains relations with international bodies, both public and private.

c. Freedom of Religion

Mali is a secular state. The Government generally does not discriminate on religious grounds. Ninety percent of Malians are Muslim, but most other religions are practiced freely and permitted to establish houses of worship and schools. Christian missionaries of various faiths enjoy government cooperation and are free to proselytize. Religious conversion is permitted. The Baha'i are forbidden to proselytize or establish houses of worship, although they are free to practice their faith otherwise.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement in Mali is generally unimpeded, although travelers are sometimes subject to police checks, especially at night. These are allowed by law, ostensibly to restrict the movement of stolen or contraband goods. In practice, some underpaid police are known to supplement their usually delayed salaries by assessing fines or confiscating goods. Malians are free to change residence or workplace. Foreign travel requires an exit visa which is easy to obtain. Emigration is viewed as a relief from poor economic conditions. Repatriation is not restricted. Mali is both a refugee-accepting and -generating country with the drought and famine the major forces in the movement of people. A steady stream of people--mainly nomads--migrated to the towns in 1985 under the impact of the drought.

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

The only legal political party, the Democratic Union of the Malian people, is the supreme political entity in Mali. The Secretary General of the party is by law the President of the Republic. In March 1985, the second party Congress reelected Secretary General Moussa Traore. He was then confirmed as President in a June election. Important policies and decisions are made among a small group--the President, the 19-Member Central Executive Bureau (which includes representatives from all regional groups in Mali), and the Council of Ministers. National delegates to the party congress meet only once every three years and the National Assembly meets twice a year. Citizens thus have only limited opportunity to influence government. Within the one-party system, multiple candidates often contest party elections at the local level. National Assembly elections generally have a single candidate selected by the party for each seat. All party members are eligible to run for election. The National

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Assembly debates proposed legislation after its acceptance by the Council of Ministers and review by the Supreme Court.

The role of the military has decreased in recent years but is still important. Five of the 19 Central Executive Bureau members, 5 of the 17 cabinet ministers, 4 of the 7 regional governors, and numerous lower level officials are military officers.

Women are free to participate in the Malian political process, and, while underrepresented, are present at all levels of government and the party, especially at the local level. A limited number of women occupy positions of responsibility in most ministries. There is one woman in the cabinet (Minister of Information) and one in the Executive Bureau (president of the women's union.) Three women now serve in the National Assembly. In 1985, the first woman cabinet director was appointed in the Ministry of Health. The Union of Malian Women is an active political organization under party auspices and a channel through which women can voice their concerns.

While the Government avoids use of ethnic "quotas," in practice, virtually all ethnic groups are represented at the highest state and party level. In local government, officials are assigned outside their native regions. Although some nomadic groups remain outside the economic and political mainstream, Mali is relatively free of ethnic tension.

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

The Government of Mali has been generally responsive to calls by recognized groups such as Amnesty International to correct reported human rights violations. Mali itself has no local human rights organizations. The Ministries of Foreign Affairs and Justice are charged with responsibility for human rights issues. Mali does not play a major role in international human rights forums. Amnesty International's current concerns are noted in 1c and 1e above. Freedom House rates Mali as "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Mali is one of the poorest countries in the world. Its agricultural activities occupy 73 percent of the work force and provide 42 percent of the gross domestic product. Small-scale subsistence farming dominates the agricultural sector. Mali's population of 7,721,000 is growing at the rate of 2.3 percent annually. Real per capita gross national product (\$160 in 1984) has stagnated. A 3-year drought has devastated livestock, and massive amounts of food aid have been necessary to feed the population. The Tuareg nomads, who have long relied on raising cattle for their livelihood, have seen 70 percent of their herds destroyed by drought. Emergency food aid and resources appear to be distributed on a nondiscriminatory basis, but Malians living near or in urban centers or who work for the Government generally have greater access to government services and resources.

Despite deteriorating health conditions due to the prolonged drought, infant mortality has fallen slightly from 174.3 per 1,000 live births in 1984 to 172.8 per 1,000 live births in 1985. Malians born in 1985 can expect to live an average of

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46.1 years. Only a relatively small part of the population has access to safe water, although the percentage is higher for urban dwellers (37 percent) than for rural dwellers (3 percent). Only 9 percent of the population is literate (male 14 percent, female 6 percent). About 27 percent of the eligible children attend school (approximately 20 percent are female and 35 percent are male).

Workers' rights are specified in the Constitution. The minimum age for employment is 18. However, with parents' permission, children can be apprenticed at the age of 12.

Social and cultural factors affect the role of women more negatively in Mali than political or economic determinants. Custom often restricts women to "women's issues" when they do participate in politics. The National Union of Malian Women in particular promotes discussion of health and education issues. It has disseminated information on the disadvantages of female circumcision, but it is still widely practiced, without government sanction, throughout Mali.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: MALI

	1983	1984	1985
I.ECON. ASSIST.-TOTAL...	15.4	24.3	51.6
LOANS.....	0.0	0.0	0.0
GRANTS.....	15.4	24.3	51.6
A.AID	9.9	11.6	32.2
LOANS.....	0.0	0.0	0.0
GRANTS.....	9.9	11.6	32.2
(SEC.SUPP.ASSIST.)...	0.0	0.0	18.0
B.FOOD FOR PEACE.....	4.3	11.1	19.4
LOANS.....	0.0	0.0	0.0
GRANTS.....	4.3	11.1	19.4
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN \$-LOANS....	0.0	0.0	0.0
PAY. IN FOR. CURR....	0.0	0.0	0.0
TITLE II-TOTAL.....	4.3	11.1	19.4
E.RELIEF,EC.DEV & WFP.	4.3	10.3	17.7
VOL.RELIEF AGENCY....	0.0	0.8	1.7
C.OTHER ECON. ASSIST...	1.2	1.6	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.2	1.6	0.0
PEACE CORPS.....	1.2	1.6	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.1	0.1	0.2
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.1	0.2
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.1	0.1	0.2
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	15.5	24.4	51.8
LOANS.....	0.0	0.0	0.0
GRANTS.....	15.5	24.4	51.8
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0
ASSISTANCE FROM INTERNATIONAL AGENCIES			
	1983	1984	1985
TOTAL.....	42.9	96.1	57.3
I3RD.....	0.0	0.0	0.0
IFC.....	0.0	0.0	0.0
IDA.....	34.4	70.6	19.5
IDB.....	0.0	0.0	0.0
ADB.....	0.0	0.0	0.0
AFOB.....	1.4	21.5	37.8
UNDP.....	7.1	4.0	0.0
OTHER-UN.....	0.0	0.0	0.0
EEC.....	0.0	0.0	0.0
			126.1

MAURITANIA

Mauritania is governed by the Military Committee for National Salvation, established in the wake of a bloodless 1978 coup which removed the civilian president and abolished the parliamentary system established at independence in 1960. Colonel Maaouya oul Sid' Ahmed Taya, in his role as President of the Committee, is Chief of State. He assumed power after the peaceful ouster of the former president, Lt. Colonel Mohamed Khouna Ould Haidalla, on December 12, 1984. All 21 members of the Military Committee retain ministerial portfolios or occupy other key government posts. Prospects for an early return to civilian rule appear remote; the military remains the "custodian of the nation's sovereignty."

All political parties and opposition groups are banned. In the absence of any formalized means of communication between the Government and the people, the Structure for the Education of the Masses was created in 1982 on a nationwide basis. Organized down to the village and neighborhood level, it is used to explain government policy, mobilize manpower for self-help projects, and air grievances. The exercise of state power is tempered by traditions of informal consensual decisionmaking and the historical fragmentation of authority among various tribes, families, and regions.

The country continues to face daunting economic and social problems: desertification and other aftereffects of prolonged drought; the Western Sahara conflict; racial tensions; massive unemployment; the highest per capita debt in Africa; poor infrastructure; inadequate health and education systems; and a mass exodus from the rural areas. Although adequate rains fell in 1985 for the first time in many years, the 13-year drought destroyed much of the agricultural and animal husbandry resources and severely weakened the nomadic culture of the Maurs. The gradual disappearance of traditional culture and ancient religious centers has generated a sense of crisis, and the explosive growth of urban refugee camps has placed enormous burdens on the State.

The advent of the Taya regime brought some improvements in 1985 in the human rights situation. In late 1984, the new regime released and pardoned all political prisoners and detainees and invited exiles to return to Mauritania. The Government also decided to restore the property and pension rights of families of released detainees. President Taya has deepened the dialogue with blacks, focusing on efforts to eradicate the remnants of slavery which have survived three attempts at abolition.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There have been no reports in 1985 of politically motivated killings.

b. Disappearance

There were no cases of politically inspired disappearances during 1985.

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c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Mauritanian law prohibits the use of torture, and there is no evidence that it was practiced in 1985. However, extended confinement is sometimes used to encourage self-incrimination. Some political prisoners released in late 1984 charged that they had been tortured under the previous Haidalla regime. Amnesty International, in its 1985 report (covering 1984), states that the secretaries general of the labor and student organizations were held incommunicado with other detainees, many of whom were reportedly tortured shortly after their arrest by being suspended by their hands and feet and beaten with rifle butts and clubs.

d. Arbitrary Arrest, Detention, or Exile

Mauritanian law guarantees expeditious arraignment and trial, access to legal counsel, and the right of appeal. However, an inadequate and underfinanced judicial system results in suspects being held regularly for long periods before trial. Moreover, based on legislation enacted before the 1978 coup, the authorities have the prerogative to detain, without trial or appeal, anyone judged to be a threat to national security. Such detainees are usually confined to their residences but can also be detained in prisons, which exist in both Nouakchott and Jereida for the more serious cases.

As many as eight government officials and businessmen closely associated with former President Haidalla were detained along with him at the time of the coup in 1984. These men are still under house arrest or in prison and no formal charges have been brought against them. There were no arbitrary arrests or detentions reported in 1985.

Although the Government remains opposed to slavery and has established a commission to implement abolition decrees, vestiges of the practice still exist. In the spring of 1985, the United Nations Subcommission on Human Rights released a report on slavery in Mauritania, based on a 1984 visit by a Commission representative. The report criticized the continued existence of slavery, especially in rural areas, but acknowledged the Government's intent to stamp it out. Efforts to implement Mauritania's 1980 Declaration of the Abolition of Slavery have been limited and only partially effective. Some government-sponsored resettlement programs for former slaves have been implemented. Estimates of the number of persons remaining in a slave status run as high as 100,000, although such figures are impossible to verify. The institution persists largely in southern Mauritania, where it originated in historic conflicts between nomadic Maurs and sedentary blacks. The drought has had a tremendous impact on slavery, causing many Maurs to release their slaves as, under deteriorating economic conditions, they could no longer meet the costs of slave-holding. Slavery in Mauritania is not identifiable with the chattel servitude of the American historical experience. There is no commercial market for slaves, and the large class of freed slaves and their descendants is regulated by complex social obligations.

e. Denial of Fair Public Trial

Former President Haidalla released a number of political prisoners shortly before his ouster. President Taya, in late

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1984, released and pardoned all remaining political prisoners; those whose goods were confiscated at the time of their detention had their belongings restored by the Government. Although President Taya also invited all exiles to return home to Mauritania, only small numbers have done so.

The Shari'a Islamic Code, as instituted in Mauritania in 1980, covers adultery, theft of personal property, and murder. A Muslim judge presides over a jury chosen by the governor of the region. The defendant has a right to counsel and can appeal a guilty verdict to the Supreme Islamic Court within 15 days. Circumstantial evidence cannot be admitted as proof of guilt. Admission of guilt is sometimes obtained in the context of a promised reduction in punishment. An inability to convince the sitting magistrate that the Government's charges are in error is in itself considered by the courts as a legal admission of guilt, as is the convincing testimony of a firsthand witness or codefendant. All sentences must be approved by the President. Opposition to the Shari'a Code has been expressed most often by blacks and women, who believe that the Shari'a Code favors the Maur way of life and limits the role of women. Although a strict interpretation of the Shari'a in earlier years produced communal tension, the issue has largely passed from public debate due to a more moderate government implementation.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Government interference in private affairs, save in instances where treason is suspected, is limited. Reflecting the nomadic penchant for privacy and the sanctity of confidences, a lack of sophisticated equipment to undertake surveillance, and the isolation of various parts of the country from one another, the Government limits its surveillance to patrols on major highways, occasional nighttime inspections of vehicular traffic, and inspection of mail suspected of containing currency or prohibited items. Under the Haidalla regime, some individuals who were believed not to support the regime were interrogated by the security agencies. This practice appears to have diminished or ended under the Taya regime.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The freedoms of speech and press are restricted. Mauritania's only newspaper, news agency, and radio/television station are government-operated. The Government does not permit criticism of its policies or authority, and editorial content of the media is controlled. International news magazines and newspapers generally circulate freely in Mauritania. Shortwave broadcasts and Senegalese television are followed openly.

Association with foreigners and the free expression of opinions are not discouraged, although most Mauritians are careful not to propagate antigovernment opinions. Private discussion is lively in family and clan networks which act as vehicles for communicating complaints and airing dissent, as do the Structures for the Education of the Masses. The nomadic tradition also provides for candid expressions of concern to the leadership. In practice, the Government appears to concern itself largely with activities directly

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related to the destabilization or overthrow of the military Government.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly has been suspended since 1978 when civilian rule was ended by a military coup. The Government enforces strictly its prohibition of public meetings addressing political themes.

Labor unions were the only nationwide organizations with any political import that were not dissolved following the 1978 coup. Labor unions are grouped in a national organization called the Mauritanian Workers Union (UTM). In 1984, the Government arrested the Secretary General of the UTM, as well as the Secretary General of the politically active (since 1981) of the National Student Union, for allegedly possessing material indicating active Libyan involvement in their activities. The Government then installed an entirely new leadership at the Mauritanian Workers Union, and student union activities were "frozen." Later in 1984, former President Haidalla released these two leaders, who shortly thereafter resumed their former positions. In the case of the Mauritanian Workers Union, this led to an acrimonious split within union ranks which continues to paralyze the organization.

The Mauritanian Workers Union is allowed a large measure of freedom in its organizational efforts. The union is associated with a number of regional and international labor organizations, and its officials are permitted to travel abroad to attend international labor meetings. Within the confines of Mauritania's basic foreign policies, union officials are free to take positions on international labor matters. Unions are recognized only when they register with the official body and accept an appointed director general. Local union officials claim that their membership has reached 30,000 members. Union membership is not universal; workers must pay an annual membership fee of \$4.00, but the Government indirectly finances most union activities. The right to strike exists in theory, but an extended strike would probably be strongly opposed by the Government. There have been two brief strikes in recent years.

c. Freedom of Religion

Islam is the official religion of Mauritania and the country's official name is the Islamic Republic of Mauritania. Virtually all citizens are Muslim. Proselytizing and the construction of churches and other non-Islamic houses of worship are prohibited without government permission. Mauritania's small Roman Catholic community has been granted permission in several instances to build churches. A number of Catholic churches operate freely. There are no restrictions on personal religious expression, but Mauritanian Muslims are prohibited from entering non-Islamic houses of worship. There is no religious discrimination in employment.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on movement within the country, although travelers are frequently subjected to routine police checks. Temporary curfews have been imposed several times

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during emergency situations, most recently following the 1984 "restructuring" of the Military Committee for National Salvation. In 1985, the Government ended the requirement that Mauritians must have an exit visa before traveling abroad. A few Mauritanian officials have left the country because of political opposition to the Government. The Western Sahara conflict has led to a small immigration of refugees into Nouadhibou and other northern towns, but there are no acknowledged political refugees in Mauritania.

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

The right of citizens to change their government has not existed since 1978, when Mauritania's military ended all democratic procedures and abolished the country's sole political party. At the present time, there are no parliamentary bodies, and opposition groups and political parties are prohibited.

The Structure for the Education of the Masses, which was begun by the Government in 1982, functions in some respects as a party organization, and some observers believe that it may eventually evolve into a political party. The Movement has emphasized mobilization of manpower for community projects, explanation of government policies, and raising public awareness of means for combatting drought and its collateral effects. In the wake of the 1984 coup, the Government decided to give greater attention to leadership of the Structure for the Education of the Masses since local leaders were sometimes presenting viewpoints different from the official government position. On a regional level it is always headed by a member of the Military Committee for National Salvation (CMSN), but local officials tend to be prominent businessmen or tribal leaders.

The black population is represented at all levels of the Government but underrepresented in terms of its proportion of the population. Many blacks believe that they already constitute a majority of the population, and that Maur domination in government and religious institutions is a result of discrimination. The same situation prevails in the key state-owned enterprises and among larger private sector firms. The Government insists that a substantial majority of the population is Maur and that a sizable segment of the black population considers itself to be Maur since its mother tongue is Hassaniya Arabic and it shares Maur cultural traditions.

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

The Government is sensitive to criticism on human rights and has been cooperative with the U.N. Human Rights Subcommission's working group on slavery, including with the Commission's representative during his 1984 visit. There has been, however, no official response to the Subcommission's report, which was released in 1985. The Government is also aware of the continuing Amnesty International concerns over a number of human rights issues, but considered that the majority of the specific charges were based on misinformation. There are no human rights organizations based in Mauritania. Amnesty International's 1985 report noted that all but three of the prisoners of conscience had been released

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by the end of 1984, (The others have since been released.) Freedom House rates Mauritania "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Mauritania's population is estimated at 1.6 million, with an annual growth rate of 2 percent. On a per capita basis, Mauritania falls within the middle group of developing nations (1984 - \$480), but this figure conceals wide differences between the modern, internationally oriented mining and fisheries sectors and the very underdeveloped subsistence livestock and agricultural sector in which the majority of the population is engaged.

During recent years, Mauritanian food production has declined sharply as a result of the drought; an estimated 15 percent of cereal needs and 7 percent of overall food requirements are met through local production. In the fall of 1985, rainfall was adequate throughout the country for the first time in several years, and forecasts for the 1985-86 agricultural season call for greatly increased production. Even if the most optimistic predictions are realized, however, Mauritania will remain heavily dependent on food aid for the foreseeable future. Several years of consistent rains will be needed before it is clear whether the enormous ecological damage from the drought can be overcome. In the meantime, the Government's position is complicated by the need to implement an adjustment program in the near term to deal with serious fiscal and balance of payments problems, as well as to carry out a series of policy and institutional reforms in the medium term in an effort to increase productivity. Unemployment is estimated in Mauritania at 50 percent. It is probably even higher in the urban shantytowns. Many Mauritanian workers go abroad for work, but Mauritania also receives substantial numbers of workers from the neighboring countries.

A collateral effect of the drought has been the near destruction of traditional nomadic cultures, as hundreds of thousands of former desert dwellers came to the cities in search of food and assistance. Although this concentration of population allowed the Government and donors to distribute food relatively easily to much of the endangered population and thereby avert a famine, it has also created severe strains on the social fabric. Nouakchott, built for 30,000 people, now has more than 500,000 inhabitants.

The Government is able to provide only minimal assistance in such basic areas as sanitation, education, employment, health care, social services, and economic opportunity. The average life span at birth is 47 years and thought to be declining as a result of drought-induced malnutrition and disease. Infant mortality rates in 1984 were 136 per 1,000 live births. The literacy rate is estimated at 17 percent. About 36 percent of eligible children attend primary school (46 percent male, 26 percent female).

No child may be employed in Mauritania before the age of 14 without the express permission of the Minister of Labor and the National Labor Council. The standard minimum age of employment in nonagricultural enterprises is 15 years. The Labor Code does not address conditions of employment for family members in agriculture or animal husbandry, which is largely outside the cash economy. Although there are no figures available, the use of child labor (except in the

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family-owned agricultural sector) is not thought to be widespread due to massive unemployment among adult males. There is a guaranteed minimum wage, established in 1985 for unskilled workers and for agricultural workers and in 1984 for skilled workers. Information on actual wage levels is scanty and often unreliable.

The standard nonagricultural workweek in Mauritania is not to exceed 40 hours, nor 6 days per week. Enforcement of labor laws is the responsibility of the Labor Inspectorate, Ministry of Labor. Disputes over labor issues are heard before special three-person labor courts which are jointly overseen by the Ministries of Justice and Labor. The leadership of the National Labor Union indicates that the courts are unbiased and effective.

Although Mauritanian women are legally free to participate fully in governmental affairs and private business, traditional values and practices limit the scope of activities. A number of women have risen to important positions in the fields of health and education or hold midlevel government positions; however, the number is small and the possibilities for advancement are slight.

Strong racial tensions, present throughout the society, have been consistently reflected in the schools. An attempt to enforce the use of Arabic in all schools was abandoned due to strong opposition by blacks, who traditionally prefer the use of French and their tribal tongues. A major shift in government policy is being considered that would eventually replace French as a medium of instruction and allow students to choose between Arabic and one of the three African languages spoken in Mauritania.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: MAURITANIA				
	1983	1984	1985	•

I.ECON. ASSIST.-TOTAL...	12.5	13.9	18.8	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	12.5	13.9	18.8	
A.AID	5.1	4.9	11.4	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	5.1	4.9	11.4	
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0	
B.FOOD FOR PEACE.....	6.0	7.4	7.4	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	6.0	7.4	7.4	
TITLE I-TOTAL.....	0.0	0.0	0.0	
REPAY. IN \$-LOANS.....	0.0	0.0	0.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	6.0	7.4	7.4	
E.RELIEF.EC.DEV & WFP.	4.5	5.5	5.0	
VOL.RELIEF AGENCY.....	1.5	1.9	2.4	
C.OTHER ECON. ASSIST...	1.4	1.6	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	1.4	1.6	0.0	
PEACE CORPS.....	1.4	1.6	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II.MIL. ASSIST.-TOTAL...	0.1	0.1	0.1	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.1	0.1	0.1	
A.MAP GRANTS.....	0.0	0.0	0.0	
B.CREDIT FINANCING....	0.0	0.0	0.0	
C.INTL MIL.ED.TRNG....	0.1	0.1	0.1	
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E.OTHER GRANTS.....	0.0	0.0	0.0	
III.TOTAL ECON. & MIL...	12.6	14.0	18.9	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	12.6	14.0	18.9	

OTHER US LOANS.....	0.0	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	0.0	0.0	

ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	1946-85

TOTAL.....	8.6	9.3	31.7	423.5
IBRD	0.0	0.0	0.0	126.0
IFC	0.0	0.0	1.2	19.1
IDA	4.6	8.1	29.2	116.1
IOB	0.0	0.0	0.0	0.0
AOB	0.0	0.0	0.0	0.0
AFOB	2.7	0.0	1.3	38.4
UNDP	1.3	1.7	0.0	21.0
OTHER-UN	0.0	0.0	0.0	6.6
EEC	0.0	0.0	0.0	96.3

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Mauritius is a small, densely populated island country with a fully functioning parliamentary democracy modeled after that of Great Britain. Mauritius is governed by a Prime Minister, who currently heads a coalition government, a Council of Ministers, and a Legislative Assembly. A Governor General, with largely ceremonial powers, represents Queen Elizabeth II, the titular head of state. Elections at national and local levels take place at regular intervals. There are five major political parties with wide-ranging ideologies, and several smaller parties. Executive power has changed hands twice in the last 4 years through fair and orderly elections supervised by an independent commission. Municipal elections in 1985 in Mauritius' five largest cities returned the main opposition party to power in three of five cities.

Mauritius has no military forces and depends on the paramilitary 700-man Special Mobile Force and the 240-man Police Riot Unit for internal security. These forces, under the command of the Commissioner of Police, are apolitical, well-trained, and backed in times of unrest by a general duty police force of approximately 4,000 men.

Mauritius has a mixed economy, based on sugar production, tourism, and textiles, with a strong private sector. In 1985, the economy continued its recovery, registering a 4 percent growth rate and creating of some 12,000 jobs. Mauritius maintained readjustment policies in line with guidelines from the International Monetary Fund (IMF) and the World Bank.

Political and civil rights, including the freedoms of speech and press, are protected under the Mauritian Constitution and exercised in practice. There are 290 labor unions which enjoy considerable freedom in contract negotiations and within the political arena, although their right to strike is limited by law. Religious freedom is respected in this society which has large Hindu, Christian, and Moslem populations. Mauritius' independent judiciary administers a legal system patterned on the British model. Since independence in 1968, there have been no reports of political killings, disappearances, torture, or degrading treatment of prisoners.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There were no reports of political killings in 1985.

b. Disappearance

There have been no reports of disappearance of persons in Mauritius for political causes.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and inhuman punishment are prohibited by law, and there have been no reports of degrading treatment or punishment. There have been reports of overcrowding in local prisons, a condition which the Government is striving to

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overcome through the allocation of additional resources for the prison sector.

d. Arbitrary Arrest, Detention, or Exile

There have been no reports of arbitrary arrests or detention since the early 1970's, when some opposition politicians and trade union leaders were jailed, accused of creating chaos. Habeas corpus exists in practice, and a person can be held only for brief periods without being charged. Bail is commonly granted. Exile is legally prohibited and not used as a form of punishment. The Constitution prohibits any form of forced or compulsory labor.

e. Denial of Fair Public Trial

Mauritius' judicial system, modeled on that of Great Britain, consists of a Supreme Court with appellate powers and a series of lower courts. Final appeal may be made to the Queen's Privy Council in the United Kingdom. There are no political or military courts. The legal system has a good record of providing fair, public trials to those charged with crimes. Defendants have the right to private or court-appointed counsel. The judiciary is also charged under the Constitution with ensuring that new laws are consistent with democratic practice. In January 1985, a government commission chaired by a former supreme court justice investigated charges of fraud and corruption against several government officials. The commission exonerated the officials, but the opposition accused the commission chairman of bias and challenged the commission findings in the Supreme Court. The cases are still being adjudicated.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The sanctity of the home is guaranteed by law and generally respected in practice. The search of personal property or premises is allowed only under clearly specified conditions by court order or by police decision if an illegal act has been committed. Police conform to well-established procedures in performing their duties. There have been allegations that the Government's intelligence apparatus occasionally opens mail, carries out wiretaps, and exercises surveillance of local opposition leaders and other major figures.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Freedom of speech and press is protected by the Constitution and by local tradition. Sixteen privately owned daily and weekly newspapers present varying political viewpoints and freely express partisan views. Newspapers are subject only to the legal constraints of libel laws. There is one television station and one radio station, both government-controlled, broadcasting in five languages. These stations are reasonably objective in news and entertainment presentation, although opposition politicians occasionally accuse the stations of political bias in their news coverage. In March 1985, the Parliament passed an act which made it a felony to charge without proof in speech or print that a government minister was corrupt in exercising official functions. The first offense brings a \$600 fine; the second, 3 years in prison. No one has been prosecuted under this law.

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b. Freedom of Peaceful Assembly and Association

Mauritians enjoy the right to form associations, including political parties, trade unions, and religious organizations. Mauritius has a multitude of such private organizations. Political, cultural, and religious assemblies are commonplace. Although police permission is required for holding demonstrations and mass meetings, such permission is rarely refused. May Day rallies held in 1985 by all major political parties attracted a total of 75,000 supporters.

Mauritius has an active and widespread trade union movement. Almost 300 unions represent 90,000 workers, more than one-fourth of the work force. Unions are free to organize workers in all sectors, including the export processing zones (EPZ) which employ about 40,000 workers. Unions can press wage demands, establish ties to domestic political parties and international organizations, and address political issues. One leading federation actively supports the main opposition party. The largest confederation, the Mauritian Labor Congress, is a member of the International Confederation of Free Trade Unions. Unions in theory have the right to strike. Nonetheless, in labor disputes the Industrial Relations Act requires a prestrike 21-day cooling off period followed by binding arbitration, which has the effect of circumventing most strikes. Some labor leaders have expressed concern over the elimination in January 1985 of minimum wage rates for male workers in the EPZ, and the unwillingness of some new EPZ investors to fully recognize their unions.

c. Freedom of Religion

There is no official state religion in Mauritius. Hindus, Christians, Moslems, Tamils, Buddhists, and others openly practice and teach their religions and proselytize without prejudice. All religious institutions receive state subsidies in proportion to their membership. There is no state-sanctioned discrimination against any ethnic or religious community.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on full freedom of movement within the country, foreign travel, emigration, and repatriation. There have been no reports of abuses in these areas.

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

Mauritius is governed by a freely elected, unicameral legislative assembly, with executive direction coming from a Council of Ministers headed by the Prime Minister. The parliamentary opposition leader enjoys a special status in the legislative assembly. A Governor General, appointed on the advice of the Prime Minister, represents Queen Elizabeth II, who is also Queen of Mauritius. While the role is largely ceremonial, the Governor General has the right to designate the person to try to form a new government following parliamentary elections or a parliamentary crisis. Parliamentary, municipal, and village council elections are held at regular intervals. Voting and running for office are open to all citizens 18 years of age and over. In Parliament, 8 of the 70 members are appointed via a complex "best loser"

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system designed in part to ensure that all ethnic groups are adequately represented. Political parties often match the ethnicity or religion of their candidates to the composition of particular electoral constituencies. There have been allegations that certain groups, including Muslims, are underrepresented in the civil service.

In December 1985, municipal elections took place in the five largest cities in Mauritius. The elections were supervised by an independent commission and were preceded by intense campaigning, including regular public rallies. In the end, the opposition retained control of three of the five municipal governments.

Women in Mauritius participate in all types of political, business, and social activities, and a few hold important positions. Nonetheless, only 4 of the 70 members of Parliament and 1 of 19 ministers are women.

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

There are no known reports of requests by international organizations to investigate human rights violations in Mauritius. Amnesty International maintains two branches in Mauritius. There are several local human rights groups which address the internal situation in Mauritius without government intrusion. Amnesty International in its 1985 report noted that the first execution (for murder) in over 23 years occurred in 1984 after an appeal to the Privy Council was rejected.

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Mauritius is a relatively prosperous island state with a population of just over 1 million and a 1983 per capita income of \$1,160. The Mauritian economy is based on sugar production, textile manufacture, and tourism. A strong private sector works hand-in-hand with the Government and with state-owned enterprises. After economic difficulties in the early 1980s, Mauritius has made a sustained recovery, based in part on policies designed to limit government interference in the economy, to encourage industry and tourism, to diversify agriculture, and to restructure the sugar sector. Foreign assistance from bilateral and multilateral sources, including the IMF and World Bank, has also contributed to rapid recovery. More than 12,000 new jobs were created in 1985, and unemployment fell to about 17% by the end of the year. Gross domestic product grew by 4 percent.

Medical care is available to all Mauritians through an expanding network of free government hospitals and clinics. The system emphasizes basic health needs and preventive care. Those requiring complex treatment must travel abroad. Faced with one of the world's highest population densities, Mauritius has stressed mother-child health care and family planning. The population growth rate has declined rapidly during the past two decades, and the 1985 rate is 0.9 percent. Infant mortality has fallen equally fast to about 25 per 2,000 live births. Life expectancy at birth is more than 67 years. Malnutrition is not a serious problem, with latest figures showing calorie supply exceeding nutritional requirements by 17 percent. Access to safe water in both rural and urban areas is virtually universal.

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Mauritius places a high priority on education, with the education ministry receiving the largest allocation in the 1985/86 budget: about \$36 million. Education in both English and French is free and accessible to all through secondary school. Enrollment in primary school is universal. Adult literacy is 79 percent (1980 figure). The nation's only university teaches a technical curriculum to 400 students. Other secondary school graduates must go abroad for university education.

Conditions of employment in Mauritius, including wage and leave conditions, are generally sufficient to afford an acceptable standard of living for workers in the agricultural, service, and manufacturing sectors. A maximum workweek of 45 hours is allowed, and children below the age of 14 cannot be legally employed, although scattered cases of child labor have been reported. The Government mandates minimum wage increases each year based on inflation. It also operates an unemployment insurance program and a social security fund, although an effective social safety net does not yet exist. Mauritius has stringent health and safety legislation which requires, inter alia, that a full-time health and safety inspector be present at all major industrial and agricultural work places. This legislation is being updated with the assistance of the International Labor Organization.

The Mauritian Government has sought to improve the status of women. Recent amendments to laws ranging from emigration to inheritance have removed sexually discriminatory sections. An interministerial committee headed by the Minister of Women's Rights and Family Affairs (a woman) was formed in April to remove remaining discrimination from local laws and practices. Some inequality remains, however, including a prohibition against women serving on juries. The Ministry of Women's Rights and Family Affairs receives one of the smallest ministerial allocations: just \$300,000 in 1985/86. While women are highly sought for employment in manufacturing plants, they tend to occupy the less skilled and lower paid positions and are particularly susceptible to layoffs during economic downturns. The average industrial salary for women is about 30 percent less than that of men.

U.S. OVERSEAS - LOANS AND GRANTS - OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S. FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: MAURITIUS

	1983	1984	1985
I. ECON. ASSIST.-TOTAL...	6.1	4.8	7.2
LOANS.....	3.3	0.0	0.0
GRANTS.....	2.8	4.8	7.2
A. AID	2.0	4.0	7.2
LOANS.....	0.0	0.0	0.0
GRANTS.....	2.0	4.0	7.2
(SEC. SUPP. ASSIST.)...	2.0	4.0	7.0
B. FOOD FOR PEACE.....	4.1	0.8	0.0
LOANS.....	3.3	0.0	0.0
GRANTS.....	0.8	0.8	0.0
TITLE I-TOTAL.....	3.3	0.0	0.0
REPAY. IN \$-LOANS.....	3.3	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.8	0.8	0.0
E. RELIEF. EC. DEV & WFP.	0.8	0.8	0.0
VOL. RELIEF AGENCY.....	0.0	0.0	0.0
C. OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II. MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A. MAP GRANTS.....	0.0	0.0	0.0
B. CREDIT FINANCING...	0.0	0.0	0.0
C. INTL MIL. ED. TRNG...	0.0	0.0	0.0
D. TRAN-EXCESS STOCK...	0.0	0.0	0.0
E. OTHER GRANTS.....	0.0	0.0	0.0
III. TOTAL ECON. & MIL...	6.1	4.8	7.2
LOANS.....	3.3	0.0	0.0
GRANTS.....	2.8	4.8	7.2
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0
ASSISTANCE FROM INTERNATIONAL AGENCIES			
	1983	1984	1985
TOTAL.....	17.3	65.1	0.0
IBRD.....	12.2	60.2	0.0
IFC.....	0.0	0.0	0.0
IDA.....	0.0	0.0	0.0
IDB.....	0.0	0.0	0.0
ADB.....	0.0	0.0	0.0
AFOB.....	0.0	4.2	0.0
UNDP.....	0.7	0.7	0.0
OTHER-UN.....	0.4	0.0	0.0
EEC.....	4.0	0.0	0.0
			1946-85
TOTAL.....			278.7
IBRD.....			196.2
IFC.....			0.5
IDA.....			20.2
IDB.....			0.0
ADB.....			0.0
AFOB.....			24.0
UNDP.....			14.2
OTHER-UN.....			2.3
EEC.....			21.3

MOZAMBIQUE

Mozambique gained independence from Portugal in 1975 following a decade of guerrilla warfare waged by the Front for the Liberation of Mozambique (FRELIMO), which then took power. The Government is run by a Council of Ministers appointed by the President, currently Samora Machel, who is also the head of the FRELIMO party. It is the only party allowed, and it articulates government policies. A self-proclaimed nationalist and Marxist-Leninist party at independence, FRELIMO's approach is increasingly pragmatic and aimed at the practical realities which Mozambique faces. Popular participation in the local political process in rural areas operates generally through traditional channels. In urban areas and at the national level, it is largely limited to granting or denying approval to delegates to the People's National Assembly.

In the first 10 years since independence, the exodus of skilled personnel, the world-wide recession, misdirected economic policies implemented by the Government, and the savage insurgency in recent years have contributed to economic stagnation. The extended drought, the worst in this century, which ravaged southern and central provinces in 1981-84, uprooted vast sections of the population and resulted in the death of tens of thousands of rural Mozambicans. Mozambique now ranks among the poorest countries in the world. The per capita gross national product was estimated at \$396 in 1982 according to the World Bank (others place per capita income in 1982 as low as \$178), and it has probably dropped since then. Mozambique's foreign debt now stands at \$2.4 billion.

Mozambique is a country at war. Since the late 1970's, the Mozambican National Resistance (RENAMO) has waged a violent guerrilla war against the Government. RENAMO originally was the creation of Ian Smith's Rhodesian regime but later received extensive support from South Africa. RENAMO now claims that it is an independent, indigenous force, and in the past 2 years has become active in all 10 Mozambican provinces.

Respect for human rights, never widespread during Portuguese rule, has suffered in the violence which Mozambique has experienced in recent years. The insurgents' preferred target is the economic infrastructure, but thousands of innocent civilians have lost their lives in the violence perpetrated by the RENAMO guerrillas. The Government has responded to the threat by applying aggressive security measures of its own, and the Mozambican security/defense forces have undoubtedly committed excesses against innocent civilians. There have been no reports of public and summary executions by the Government since 1983, but allegations of torture by both the guerrillas and the government forces continue to be made. The Government is developing a judicial system and has already established approximately 700 village-level courts in addition to the district and provincial system which operates throughout the country.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

The continuing war between the Government and RENAMO has led to the death of many innocent Mozambican and foreign civilians. Precise figures are unavailable, but the total number of

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fatalities over the past few years is certainly in the thousands. The insurgents have been brutally violent, killing, maiming, and kidnapping their victims. For example, in April 1985 RENAMO units on two occasions ambushed civilian convoys traveling between Maputo and neighboring Gaza Province. Over 200 civilians were killed, some of whom were bayoneted to death. Amnesty International, in its report on the practice of torture in Mozambique, listed numerous confirmed instances in which RENAMO insurgents had been guilty of "torture, violent beatings, mutilations, and summary executions of civilians." In response, the Government has continued its aggressive efforts to combat RENAMO, and government military operations have reportedly resulted in the killings of many innocent civilians in contested areas.

The Council of Catholic Bishops in Mozambique has publicly decried the senseless violence perpetrated against the civilian population by both sides. The Government has halted public executions of insurgents or those convicted of economic sabotage or other crimes against the State. The death penalty is not prescribed for nonpolitical crimes.

b. Disappearance

There were no confirmed reports of government-sponsored disappearances during the year. This represents a significant improvement over the situation in 1983, when thousands of allegedly unemployed city dwellers in Maputo and Beira were arbitrarily rounded up and sent off to resettlement sites in northern Mozambique. The Government's commitment to the prompt notification of relatives and friends of persons detained by government authorities remains spotty and suspect. Security forces sometimes hold detainees incommunicado for extended periods. Detainees held by the police have the right to contact their relatives and to regularly receive visitors. This right was often abused in the past but observance improved in 1985. President Machel has publicly campaigned to ensure that the legal rights of detainees are not violated.

RENAMO has reportedly abducted thousands of rural villagers. Sometimes these people are released; sometimes they are forced to live permanently in areas outside of government control. (However, RENAMO does not appear to have the ability to maintain many under its direct control.) For instance, insurgents reportedly abducted a large number of people who lived in Luabo, Zambezia Province, and whose fate is still unknown. RENAMO increased the kidnapping of foreigners during 1985. In June and July, the insurgents kidnapped over 20 foreign workers, missionaries, and residents. All were later released unharmed. However, according to media reports, two Soviet geologists held since 1983 were summarily killed by their captors during the same period.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture has been widely practiced in Mozambique and continues to be a problem. In the early years of independence, according to numerous reports, prisoners at remote government-organized "reeducation camps" were brutally bound, beaten, and often killed. These camps were used to intern political prisoners and "antisocial elements." Starting in 1979, however, the Government promulgated laws which established a formal judicial system in Mozambique, and in 1981 President Machel declared

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that henceforth no one would be sent to a reeducation camp without due process. The same year the President also launched the "offensive for legality," and in the following months a number of security and defense force members were fired for abusing prisoners. Amnesty International, in its report on torture in Mozambique, characterized the campaign as the Government's "most important effort to end the practice of torture and to control other abuses which had come to be committed by the security and defense forces." Despite recent changes, including closing of some camps, reports indicate that prisoners have extremely Spartan living conditions.

The situation with regard to torture in 1985 represented a significant improvement in comparison with previous years, but reports continue to be received alleging capricious and cruel treatment by some members of the security and defense forces. Flogging is also still practiced, although apparently on a more limited basis than previously. At the end of 1984, functionaries of the Ministry of Justice met and publicly condemned excessive and illegal floggings. Prisons in Mozambique are generally overcrowded and characterized by inadequate food, hygiene, and medical care.

As noted, according to numerous confirmed reports, RENAMO has repeatedly tortured and mistreated prisoners and civilians. At the end of 1984, the Southern African Catholic Bishop's Conference wrote that the atrocities committed by RENAMO had reached a horrific level.

d. Arbitrary Arrest, Detention, or Exile.

Since 1979, two separate legal systems have existed. The first is the civil/criminal system with a judicial service and a police force under the authority of the Ministry of the Interior. The second system, which is characterized in its initiating legislation as transitional, is the military-run State Security System, which incorporates the Ministry of National Security (SNASP). This latter system, established to deal with the growing armed insurgency, now has jurisdiction over both political crimes against the State and economic sabotage. These two systems operate separately and are subject to separate controls.

Under the State Security System, all investigations and arrests are carried out by SNASP. SNASP has in the past held detainees indefinitely without formal charges. Although detainees held by SNASP are legally entitled to counsel, prisoners reportedly have been held incommunicado. Amnesty International has recommended that SNASP's power to detain persons be drastically reduced because it believes that this situation invites abuse and leads to prisoner mistreatment.

Under the civil/criminal court system, persons accused of the most serious crimes can be detained up to 84 days without investigation. At the end of this period, the police can request an additional period of up to 84 days to complete their investigation but must secure the approval of the court. While being held for investigation, a detainee has the right to counsel and to contact relatives or friends. Although adherence to these principles has improved during the last 2 years, there are still reports of abuses. The availability of lawyers to defend detainees is limited, but in 1985 the Ministry of Justice continued its effort to ensure that detainees held by police were afforded access to private or

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government-provided legal assistance. In some cases detainees may be released from prison while the investigation proceeds, but the bail system in Mozambique remains ill-defined. If the prescribed period for investigation has been completed and no charges have been brought, the detainee must be released. During 1985, there were no reports of anyone being exiled from Mozambique. As far as is known, compulsory labor is not practiced in Mozambique.

e. Denial of Fair Public Trial.

Trials conducted by the civil/criminal court system are public. At the local level they are often conducted in a public place in the village where the crime was allegedly committed to encourage public attendance and participation. The proceedings are conducted by a trained representative of the Ministry of Justice, assisted by two or four popularly elected "judges." Since the legal knowledge of those involved is limited, they are instructed to exercise common sense and to apply locally accepted principles. These courts can handle only minor offenses; more serious crimes are judged in Peoples' Courts at the district and provincial levels. District and provincial trials are also open to the public, except in certain cases, such as rape, where the defendant can request a closed trial. Persons convicted of a serious crime have the automatic right of appeal to the next higher court. The Superior Court of Appeals was recently established in Maputo.

Prisoners charged with crimes against the State are tried by the Revolutionary Military Tribunal. These trials are held in camera and there is no recourse of appeal. However, this court has apparently not been called into session since 1983. There are no reliable estimates of the numbers of persons detained for political reasons. The exact number of persons incarcerated in the reeducation camps in the mid-1970's will never be known. Many reportedly died in these camps and the fate of others remains a mystery. In its 1985 report, Amnesty International estimated that there were approximately 4,000-5,000 RENAMO prisoners at the beginning of 1985, and the figure was probably somewhat higher at the end of 1985. The general amnesty announced by President Machel at the beginning of 1984 remains in effect, and there have been reports of some insurgents surrendering voluntarily.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

"Operation Production," which forcibly relocated thousands from large urban areas to the countryside in 1983, has not been repeated. Moreover, most people have moved back to their former dwelling places. Since FRELIMO defines itself as a vanguard party, people are not forced to belong, but there is an obvious correlation between professional advancement and party membership. Nonparty members are also occasionally compelled to attend political indoctrination meetings where they work or live.

It is widely assumed that surveillance devices are employed to monitor the local and international telecommunications systems. There have also been reports of tampering with mail, especially the mail from abroad.

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Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

There is little tolerance for public criticism of basic government policies and officials at the national level. At the local level, especially in rural areas, there is considerable openness as the people express their views on prevailing conditions. Magazines and newspapers often contain articles or letters to the editor complaining about the lack of goods and social services or the ineffectiveness of a particular official.

The Government controls all authorized publications in the country as well as the radio and experimental television facilities. Although the media promote the Government's general philosophy and its positions on issues, there is controlled reporting on abuses within the system or flaws in the implementation of government policies for those areas of state policy where the Government has admitted to errors.

The Government has criticized Western news agencies for exhibiting a general bias against the Third World, but Western journalists (including Americans) are welcome in Mozambique, and the Government generally works to make their visits productive.

b. Freedom of Peaceful Assembly and Association

Since political opposition to the Government and to FRELIMO ideology is not permitted, public gatherings of all but a purely social nature are controlled by the local authorities. The right of Mozambicans to come together to form voluntary associations is limited: local economic cooperatives are encouraged but politically oriented associations are proscribed. The Government has organized several "mass movements" for women, youth, workers, etc., and attempts to use them to motivate the general population. Though membership is theoretically voluntary, there is occasional pressure to join.

The formation of independent unions is not permitted. In 1983, the Government established the Mozambique Workers' Organization (OTM) intended to function as a national labor union. In practice, however, an organized union movement has yet to develop, and labor currently has little influence on economic policy or politics. There are occasional exchanges of delegations in the labor field with other countries, especially with those of Eastern Europe. Existing labor law is generally very favorable to the employee, but in practice it is difficult to enforce because of the fragility of the institutions associated with labor.

c. Freedom of Religion

Although the Constitution guarantees freedom of religion, in the past the Government placed restrictions on the activities of religious groups. It has reserved the right to decide whether individual church buildings can be operational and whether individual clergy can visit outlying areas. It has also nationalized church schools and hospitals. Over the past few years, however, there has been an improvement in church/state relations. Organized religions now operate with relative freedom and some churches have been effective in social work activities and in acting as channels for the

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distribution of emergency food donations to the poorest regions of the country. Pastoral letters issued in 1985 by the Catholic bishops which were critical of governmental policies circulated widely without reprisals by the authorities. The Muslims have also been allowed to establish a national organization, to resume religious training, and to reopen mosques. Attendance at religious rites is thought generally to be on the rise and party members are no longer specifically prohibited from membership in a church or mosque. Critical comments regarding religious beliefs by the Government are almost always general in nature and not directed against specific individuals or churches. Membership in a religious group does not appear to affect, either favorably or unfavorably, a person's secular standing.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

Travel and relocation within the country are controlled by security and employment requirements under the rationale of assuring public and social order. Mozambicans planning to travel outside their city of residence must obtain a travel permit from local government authorities.

Mozambican law does not address the issue of emigration, although presumably Mozambicans can emigrate if they wish. Several hundred thousand people fled from Mozambique at independence in 1975 because of economic chaos and fears of political persecution. In the past few years, additional thousands have fled, some only temporarily because of the deteriorating security situation created by the guerrilla war and because of continuing economic hardship. In 1981, the Government announced a policy of welcoming back Mozambicans who had left the country, and in 1982 it passed a law allowing for the reacquisition of citizenship by Mozambicans who had left the country and assumed another nationality. Previously, some Mozambicans who had opposed the party before independence were jailed upon their return to Mozambique. More recently, Mozambicans who have accepted the Government's invitation to return have apparently not suffered harassment or retribution. However, persons involved in the insurgency movement or outspoken critics of the Government generally have opted not to return overtly to Mozambique.

Since independence, the Government has readily provided first asylum to refugees from neighboring countries. Although many thousands of Zimbabweans resided temporarily in Mozambique during the struggle for that country's independence, most refugees now in Mozambique are from South Africa and Malawi. In spite of the poor economic situation, the Government continues to assist refugees by providing land, housing, relief assistance, social services and in some cases employment. There are an estimated several hundred thousand internally displaced persons in Mozambique due to drought and insurgency activity, and thousands of Mozambicans have fled to Malawi, Zimbabwe, Swaziland, and South Africa.

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

Political activity and active opposition to FRELIMO is not allowed. The party and the Government are controlled by a small cadre of senior officials, headed by President Machel. Structures for so-called mass political involvement exist at

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the provincial, district, and local levels, but they only permit limited participation. The party and Government espouse a system of "People's Democracy" where decisions are made by consensus; in practice, this means that policies and initiatives emanate from above. Election to representative bodies is made from a single slate and the electorate has only the option of endorsing or rejecting candidates preselected by party structures. Votes by the National People's Assembly endorsing government policies are usually unanimous.

The number of ethnic Asian and white Mozambicans holding important positions is much greater than their proportion of the general population, a reflection of the greater educational opportunities available to these groups prior to independence, rather than to unequal treatment. Within the black population, individual ethnic groups are treated equally, and tribal affiliation appears to have relatively little correlation to political outlook.

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

Although the Government has discussed the status of RENAMO prisoners with international relief organizations, it has not yet allowed them access. Several times during 1984 Amnesty International presented to the Government recommendations to strengthen the controls against torture and to limit the right of the security forces to hold detainees for unlimited time without charges. The reaction of the Government to these recommendations is unknown. Amnesty International, in its 1985 Report, remains concerned about the long-term detention without trial of suspected opponents of the Government, including some reported detainees arrested before independence in 1975, and about allegations of torture of political detainees and prisoners suspected of committing economic crimes. Freedom House rated Mozambique as "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Mozambique's annual per capita gross national product was estimated at \$397 in 1982 and probably dropped significantly by 1985. The country has a population estimated at 13.6 million, 85 percent of which is engaged in subsistence agriculture. The population growth rate was estimated at 2.8 percent in 1985.

Because of drought, lack of security, and mismanagement, food production continues to fall far short of domestic requirements. In order to feed its population in 1985, the country spent a significant amount of foreign exchange on food imports and relied on very sizable food aid grants from abroad. Although drought conditions have improved, considerable foreign food aid will still be required for rehabilitation purposes in 1986. In order to promote agricultural production, the Government returned some state farms to private farmers and cooperated on aid programs aimed at private farmers. It also raised prices for food resulting in significant modest response.

Industrial production is only a fraction of preindependence levels--some factories are closed and many are operating at only 10 percent of capacity. Productivity has suffered from shortages of raw materials, equipment, spare parts, and trained personnel. The Government continues to follow a nominally

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Socialist economic system, but there is an active private sector, and in 1985 the Government instituted sweeping reform aimed at cutting back the commercial involvement of the State in the economy and at actively encouraging foreign investment. Smaller privately owned Mozambican industrial enterprises are functioning again. Various companies have begun to explore for oil, gas, and minerals. The Government published an investment code in 1984, signed an agreement with the U.S. Overseas Private Investment Corporation, and became a member of the International Monetary Fund and the World Bank.

In areas of public health and education, differences in the quality of services available to rural and urban populations still exist, primarily as a result of limited resources and poor security. Medical care is significantly better in metropolitan areas. For example, the infant mortality rate now averages 158 per 1,000 live births nationwide, but varies from a low of 35-40 per 1,000 in sections of the capital to a high of 190-200 per 1,000 in some rural areas. Life expectancy at birth is 52 years but, again, there are wide differences among various parts of the country. In 1977, caloric supply available for consumption was estimated to be 83 percent of nutritional requirements and may be lower in 1985 due to drought and civil strife. Fewer than 10 percent of the population has access to safe water supplies and, even in urban areas, outbreaks of cholera occur.

Education continues to be a priority. The Government emphasizes teacher training programs, particularly in rural areas. Most training centers, however, lack adequate facilities and are oversubscribed and understaffed. As a result, the number of teachers in rural areas continues to increase, but the quality of instruction remains low. The World Bank estimates that the primary school enrollment ratio was 53 percent in 1983 (62 percent for males and 45 percent for females). Although the literacy rate has risen as a result of government programs, a rate of 20 percent (including those who are only semiliterate) would probably be more accurate than the World Bank estimate of 33 percent.

The Government has continued efforts to safeguard the health and welfare of the population. Health and environmental laws protecting workers have been enacted, and the Government has on occasion closed down firms for noncompliance. Child labor is also controlled and the minimum working age (excluding agriculture) is 16.

In spite of the strains imposed by the war and the economic collapse, racial harmony remains a hallmark of Mozambican society. Largely due to government support, women continue to play an increasingly important role in Mozambique, particularly in the working levels of the Government. The 1985 national congress of the Mozambican's Women's Organization was notable for its avoidance of ideology and its concentration on issues of direct relevance to women's concerns.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: MOZAMBIQUE

	1983	1984	1985
I.ECON. ASSIST.-TOTAL...	9.7	18.3	38.8
LOANS.....	0.0	0.0	17.0
GRANTS.....	9.7	18.3	21.8
A.AID	0.0	8.9	13.4
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	8.9	13.4
(SEC.SUPP.ASSIST.)...	0.0	7.0	13.1
B.FOOD FOR PEACE.....	9.7	9.4	25.4
LOANS.....	0.0	0.0	17.0
GRANTS.....	9.7	9.4	8.4
TITLE I-TOTAL.....	0.0	0.0	17.0
REPAY. IN \$-LOANS.....	0.0	0.0	17.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	9.7	9.4	8.4
E.RELIEF,EC.DEV & WFP.	9.7	9.4	6.2
VOL.RELIEF AGENCY.....	0.0	0.0	2.2
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	9.7	18.3	38.8
LOANS.....	0.0	0.0	17.0
GRANTS.....	9.7	18.3	21.8
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1983	1984	1985	1946-85
TOTAL.....	17.4	47.4	58.4	222.8
IBRD	0.0	0.0	0.0	0.0
IFC	0.0	0.0	0.0	0.0
IDA	0.0	0.0	45.0	45.0
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFOB	0.0	45.2	0.0	116.9
UNDP	17.4	2.2	0.0	37.5
OTHER-UN	0.0	0.0	13.4	23.4
EEC	0.0	0.0	0.0	0.0

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Niger is governed by an authoritarian military regime with power concentrated in the hands of its President, General Seyni Kountche, who heads the nation's highest body, the Supreme Military Council. Kountche took power in 1974 in a military coup, toppling the civilian regime of Hamani Diori. At that time, the Constitution was suspended and Kountche has ruled by decree ever since. Freedoms of assembly, speech, and political activity are restricted. Public dissent is nonexistent, and private dissent tends to be rare for fear of retribution. Nigeriens, however, may pursue their own economic interests and hold private property. The Government is proceeding cautiously with the implementation of the National Development Society, which many believe will lead to greater civilian involvement in economic decisionmaking.

Niger, one of the world's poorest countries, occupies a large area in the arid Sahel region of West Africa. The economy hinges on subsistence farming and livestock and some of the world's largest uranium deposits. However, severe drought and declining world demand for uranium since the early 1980's have had a serious negative impact on the Nigerien economy. During 1985, the Government was preoccupied with the massive logistical effort required to distribute food aid to the many areas of Niger where people faced starvation as a result of the disastrous 1984 harvest.

The human rights situation in Niger did not improve in 1985. In response to an armed attack by Tuareg dissidents on an administrative post at Tchín-Tabaraden in late May, during which 1 Tuareg and 2 soldiers were killed, the Government arrested about 1,000 ethnic Tuaregs in Niamey. On June 6, the Government expelled over 200 Malian and Mauritanian Tuaregs. Former President Diori was put back under the house arrest from which he had been released in April 1984, and restrictions were placed on nighttime travel in Niger as a result of the same incident. In July, a state/security court tried 11 Tuaregs arrested at Tchín-Tabaraden and condemned at least 8 of them to death. The death sentences are not believed to have been carried out. An undetermined number of detainees are still being held in connection with the October 1983 coup attempt.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the integrity of the person, including freedom from:

a. Political Killing

There were no reports in 1985 of political killings.

b. Disappearance

No disappearances were reported during 1985.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Systematic torture of detainees and prisoners is not believed to take place in Niger. Cruel treatment usually in the form of physical beatings has taken place, however, as the result of overzealousness on the part of officials charged with handling political prisoners. Many of the Tuaregs detained in early June in reaction to the Tchín-Tabaraden affair were

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beaten, and several are reported to have died in detention. One political prisoner, a former member of an opposition group based in Europe, is reported by witnesses, who have seen him in detention, to have been beaten regularly.

d. Arbitrary Arrest, Detention, or Exile

With the Constitution suspended since 1974, there are no specific statutory protections against arbitrary arrest or imprisonment, nor does habeas corpus exist. Warrants are not required for an arrest. In cases concerning political or security related matters, detainees can be held indefinitely without charge, as in the case of the detainees who are still awaiting trial from the October 1983 coup attempt. When the Government believes the national security to be at risk, large groups of citizens may be rounded up arbitrarily for questioning, as with the roundup of Tuaregs in Niamey after the Tchín-Tabaraden attack. In that instance, over 1,000 Tuaregs were detained on the basis of their ethnicity. The majority of the detainees were released, but only after several days of detention in crowded, unsanitary conditions. For criminal offenses, the law holds that detainees must be charged within 48 hours, but delays sometimes occur as the result of a lack of trained, competent legal officials.

Forced labor is not practiced in Niger, but during the 1985 drought emergency, displaced herders, primarily ethnic Tuaregs and Fulanis, were in some instances forcibly moved onto government-sponsored vegetable growing projects. There are no known instances of dissidents or political opponents being exiled by the Kountche Government, although some dissidents have voluntarily gone into exile.

e. Denial of Fair Public Trial

There are an estimated 30 political prisoners in Niger, including the detainees from the October 1983 coup attempt and the 11 Tuaregs detained in connection with the Tchín-Tabaraden affair. It is also believed that political prisoners are rarely allowed visits from family members. However, political prisoners with severe medical problems have been allowed treatment by specialists from Europe, and in one recent instance a prisoner was evacuated to Europe for the treatment of a life-threatening illness.

There are public trials for civil and criminal cases not involving political or security-related acts. Legal counsel is provided for indigent defendants accused of felonies or other major offenses if they are under 18 years of age, handicapped, or face the possibility of a sentence of more than 10 years. While there are reliable accounts that courts in some specific cases have been subject to political influence or pressure in ordinary civil or criminal cases, the judicial system is believed to be generally independent and fair. Defendants may appeal verdicts first to an Appellate Court and, if desired, to the nation's highest tribunal, the State Court, composed of civilian magistrates, which serves in the capacity of a final court of appeals. The President has the right of pardon in penal cases and invoked this right twice during 1985. On April 1, the 11th anniversary of Kountche's accession to power, 123 prisoners were pardoned. An additional 238 were pardoned or had their sentences reduced on the occasion of the Id-el-Fitr Islamic holiday. At the village level, matters such as property disputes are

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frequently resolved by traditional means without reference to the legal system.

Operating outside of the traditional legal framework is the state security court, which tries political and security related cases. This body meets in secret and little is known about its proceedings, but it is believed that its members are military officers. This court tried the 11 Tuaregs from the Tchín-Tabaraden affair in July, and is reportedly finally making preparations to try the prisoners detained after the October 1983 coup attempt.

In early June, President Kountche announced the formation of a special court to investigate civil service corruption. The investigation has been proceeding throughout 1985. Reportedly, stiff penalties will be assessed, including the death penalty for convictions of embezzlements of amounts over \$500,000.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The police have the right to enter homes between 5 a.m. and 9 p.m. and will enter at other times if deemed necessary. Many of the Tuaregs rounded up in Niamey in early June were removed forcibly from their homes. Court warrants are not required in such instances. Violations of privacy such as interference with correspondence, telephone tapping, and use of informer networks are known to take place. The Government used strong measures in 1985 in forcibly resettling some elements of the population as part of the official strategy for dealing with the drought.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

These freedoms are very restricted. Institutions which might voice dissent, such as a free press or a freely elected legislature, do not exist. The media are controlled by the Government. While some criticism of government policy or bureaucratic inefficiency is allowed, especially in the relatively new Sunday Sahel, such criticism is expressed with the knowledge or at the behest of the Government. Debates on aspects of the economy or cultural policy sometimes take place in the media, but the boundaries of permissible discussion are well understood in advance by all participants. The primary functions of the media are to disseminate government policies and viewpoints and to rally popular support for government programs and leading figures such as the President. Nigerian journalists are acutely aware of their status as government employees and of the guidelines within which they must operate. Journalists whom the Government believes have strayed from these guidelines have been demoted, fired, or otherwise disciplined. Full academic freedom does not exist. There have been no reports of censored or banned magazines or other publications, but the Government is under no constraints should it discover material that it deems offensive. Foreign films are subject to censorship by the Ministry of Interior on the grounds of public morality and political content.

b. Freedom of Peaceful Assembly and Association

Except for political parties, most forms of voluntary association, such as trade unions, churches, and other 4

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religious groups are allowed to function with the understanding that they do so in accordance with government policy. Public meetings of such organizations are usually allowed, but the Government is not obliged by law to permit such activity. Its permission is required for public gatherings.

The trade union movement is controlled and partially financed by the Government. All unions are organized under a government-controlled umbrella group, the National Union of Nigerien Workers (USTN). The head of the USTN is appointed by the Government. The USTN represents approximately 30 percent of the approximately 60,000 salaried workers in Niger. The group is poorly financed partly because of government refusal to allow fund raising methods such as a paycheck checkoff system. Lower level elections in the USTN are believed to be fairly democratic. Strikes in Niger are rare. The confederation maintains relations with recognized international bodies and sends representatives to international meetings. It is a member of the Accra-based Organization of African Trade Union Unity.

c. Freedom of Religion

Niger is overwhelmingly Muslim, but Christian churches are allowed to operate freely. Conversion from one religion to another is not prohibited but occurs only rarely. Foreign missionaries are permitted to live, work, and travel in Niger. There have been no reports of religious discrimination, but adherence to Islam tends to give one an advantage in all sectors of life. The Government, cautious because of the Islamic fundamentalist violence which erupts periodically in northern Nigeria, monitors religious activity through the Islamic association which is funded by the Government. Local religious leaders are subject to an informal government screening process and Islamic services that have gone beyond strictly religious subjects have been shut down by the Government. Religious groups are allowed to maintain links with coreligionists in other countries.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

Travel within Niger is closely monitored, although no special travel documents are required for domestic travel. Police checks, often entailing thorough searches, take place upon entering or leaving any major town or city. These controls became more stringent in June as part of the Government's reaction to the Tchín-Tabaraden incident. At the same time, the Government imposed a de facto 7 p.m. to 6 a.m. curfew on internal travel and on entering Niger from neighboring countries. These measures reflect a governmental preoccupation with smuggling as well as concern over possible movements into the country of foreign-based dissidents or criminal elements. Moreover, the Government uses these measures to discourage migration to urban areas. Nigeriens wishing to travel abroad must obtain exit visas, which are usually granted routinely. Married women must have the permission of their husbands to travel abroad. The repatriation of Nigerien nationals is unrestricted. In May 1985, the Government of Niger efficiently resettled approximately 10,000 Nigeriens who were expelled from neighboring Nigeria. A few refugees from other countries have been accepted. Niger is a signatory to the UN Convention and Protocol Relating to the Status of Refugees.

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

The capacity of the people to influence the Government is extremely limited. Virtually all power is held by the President, General Seyni Kountche. He rules through the Supreme Military Council which is made up of officers who helped stage the 1974 coup that toppled the previous civilian regime. Kountche rules by decree, makes all government appointments, and controls the pace of political change and economic development. Government operations are conducted largely by civilian technocrats who implement decisions promulgated by the Supreme Military Council and Kountche himself. The President derives his power from the military. While all but three of the ministerial positions have passed from military to civilian hands in recent years, all of Niger's seven departments have military governors, who have virtually autocratic powers within their departments. Moreover, there is a marked military presence in the upper echelons of the National Development Society.

In lieu of a party system, the Kountche Government since 1979 has been organizing the National Development Society which in theory will lead to greater popular participation in economic decisionmaking. The Society consists of a hierarchical network of councils at the village, regional, departmental, and national levels. The councils consist of elected and appointed members although only at the village level are members elected directly by the people. The national level council consists of Nigeriens from all walks of life, who also serve on special committees considering various aspects of economic development, cultural policy, and social issues. One such committee is writing a national charter which, it is believed, will serve as the basis for a new constitution.

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

Niger is not active in regional and international human rights organizations. Over the past few years, inquiries from international human rights organizations have apparently been ignored by the Government. There are no domestic groups which monitor the human rights situation in Niger. Amnesty International, in its 1985 Report, expressed concern about the detention without trial of suspected opponents of the Government. Freedom House rates Niger "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Niger's population of 6,491,000 is growing at the rate of 3.4 percent and lives at no more than a subsistence level. Roughly 90 percent of Niger's workforce is employed in some form of agriculture or herding. A combination of extensive drought and prolonged slump in the world uranium market has seriously affected the economy. Gross national product per capita was only \$240 in 1983.

Infant mortality is 134 deaths per 1,000 live births. Life expectancy at birth is 46 years. On the average, Nigeriens receive 94 percent of daily nutritional requirements (1977 estimate). A 1975 estimate showed that only 33 percent of the population had access to safe water, (41 percent urban, 32 percent rural), but this figure is believed to have improved

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in recent years, thanks to a large-scale government well-drilling program. Other social indicators are also low. The adult literacy rate was 10 percent in 1980 (male 14 percent, female 6 percent). In 1981, the primary school enrollment ratio was 25 percent, with a large bias in favor of males (32 percent) compared to females (17 percent).

Under the Niger labor code, workers receive benefits for on the job injury, leave for family emergencies, and health benefits. Annual holidays and leave benefits are clearly spelled out. Children between the ages of 12 and 18 may be employed, but there are strict provisions concerning the hours of employment and types of employment for children in this age group. All labor provisions, especially those concerning child labor, apply in practice only to urban areas. In the agricultural sector, which employs most Nigeriens, children work on family plots under conditions which exceed the provisions of the labor code.

The essentially traditional nature of society helps ensure that family and ethnic group ties remain strong and supportive, but traditional practices and attitudes on ethnicity, women, and education have some negative effects. Males have considerable advantages in terms of education, employment, and property rights. In case of divorce, custody of all children under eight years of age is given to the husband. Conscious of this situation, the Government has made progress in improving the status of women by launching work on a new family code, by providing better employment opportunities to women, by giving them a significant role in the National Development Society, and by supporting the National Women's Association. In 1985, the Government undertook a major initiative to encourage Nigeriens to use birth control.

Four major ethnic groups, each with its own language, make up the bulk of the population. The two primarily nomadic groups, Tuaregs and Fulani (Peul), have less access to government services, partly because their transient lifestyles make it difficult for the Government to supply them with services and partly because of historical animosities between the nomads and the sedentary Djerma and Hausa ethnic groups which dominate the Government. Such animosities undoubtedly contributed to a slowness on the part of some government officials in 1985 to guarantee that adequate quantities of food relief reached isolated Tuareg and Fulani populations.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: NIGER

	1983	1984	1985
I.ECON. ASSIST.-TOTAL...	24.1	29.3	48.4
LOANS.....	0.0	0.0	0.0
GRANTS.....	24.1	29.3	48.4
A.AID	21.0	26.4	27.5
LOANS.....	0.0	0.0	0.0
GRANTS.....	21.0	26.4	27.5
(SEC.SUPP.ASSIST.)...	5.0	5.0	5.0
B.FOOD FOR PEACE.....	0.8	0.5	20.9
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.8	0.5	20.9
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN \$-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.8	0.5	20.9
E.RELIEF.EC.DEV & WFP.	0.8	0.5	17.5
VOL.RELIEF AGENCY.....	0.0	0.0	3.4
C.OTHER ECON. ASSIST...	2.3	2.4	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	2.3	2.4	0.0
PEACE CORPS.....	2.3	2.4	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	2.5	2.2	0.2
LOANS.....	1.2	0.0	0.0
GRANTS.....	1.3	2.2	0.2
A.MAP GRANTS.....	1.0	2.0	0.0
B.CREDIT FINANCING...	1.2	0.0	0.0
C.INTL MIL.ED.TRNG...	0.3	0.2	0.2
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	26.6	31.5	48.6
LOANS.....	1.2	0.0	0.0
GRANTS.....	25.4	31.5	48.6
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1983	1984	1985	1946-85
TOTAL.....	46.7	34.6	34.0	513.2
IBRD	0.0	0.0	0.0	0.0
IFC	0.0	0.0	0.0	2.6
IDA	30.1	11.7	16.8	242.9
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	12.5	20.0	12.0	73.0
UNDP	4.1	2.9	0.0	52.3
OTHER-UN	0.0	0.0	5.2	15.1
EEC	0.0	0.0	0.0	127.3

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On August 27, 1985, military officers overthrew the 20-month-old government of Major General Muhammadu Buhari and installed Major General Ibrahim Babangida as President. Babangida was Chief of the Army Staff in the Buhari government, which had itself seized power from a civilian government in December 1983. A 28-member Armed Forces Ruling Council (AFRC) is the main decisionmaking organ of the Government, while a 22-member Federal Cabinet presides over the Government's executive departments. Military governors, appointed by the President and assisted by executive councils, head Nigeria's 19 state governments. The 1979 Constitution remains partially in effect, but significant provisions, namely those guaranteeing such democratic features as free elections and political parties and such fundamental individual rights as due process and habeas corpus, are suspended. In December 1985, the Babangida Government thwarted a coup plot by disgruntled military officers. The plot was widely condemned by the Nigerian public. Courts-martial of those suspected of involvement were pending at the end of the year.

Legislation at both the federal and state levels continues to be promulgated by decree. All decrees are exempt from challenge in the courts and under the previous military government some decrees had ex post facto effect. The Government enforces its authority through the federal security apparatus: the national police, the military, and the Nigerian Security Organization (NSO). No separate law enforcement agencies exist at the state and local levels.

Nigeria, with an estimated 100 million people, is Africa's most populous country. It has a mixed economy in which the Government plays a major role in important sectors. In October, the military Government declared a 15-month state of "economic emergency" in an effort to revitalize Nigeria's sluggish economy. It pledged a reduction of bureaucratic and administrative fetters on the economy in order to encourage new private investment. The Government also announced that it would rely on market forces to induce more efficient resource allocation, revitalize moribund industries, and stimulate production of palm oil, cocoa, and other commodities that Nigeria relied on for foreign exchange before the oil boom of the 1970's.

The new Government moved quickly to demonstrate its commitment to human rights. It repealed a controversial decree that inhibited press freedoms, named a panel to review the remaining decrees of the previous government, formed a committee to review the cases of all current and former detainees, as well as those previously sentenced by military tribunals, and named a prominent, outspoken human rights advocate as Attorney General and Minister of Justice. Since the coup, the Government has released approximately 150 persons detained without charges and released or remanded to the criminal court system common criminals detained by the NSO. The traditionally independent judiciary remains intact, although its authority continues to be limited by the existence of military and special tribunals created by decree in 1984. During the first half of 1985, these tribunals convicted civilians of crimes defined by the provisions of certain military decrees.

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RESPECT FOR HUMAN RIGHTS

Section 1

Respect for the Integrity of the Person, Including Freedom from:

a. Political Killing

There is no evidence of killing for political motives. No former officeholder or politician ousted by either recent military government and tried by military tribunals has received the death penalty.

b. Disappearance

There are no known instances of politically motivated or government-instigated disappearances in Nigeria during 1985.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There were no confirmed reports of torture in 1985. Some detainees interviewed after the August coup accused the Nigerian Security Organization (NSO) of using torture or degrading practices against them prior to the coup. Those allegations were under investigation at the end of 1985. A portion of the 1979 Constitution which is still in effect outlaws torture and the mistreatment of prisoners. Nigerian law provides that such excesses be dealt with in criminal or civil proceedings. There are reports of crowded and austere prison conditions and mistreatment, including brutality. The opening to public view, following the August coup, of the NSO's main detention center confirmed these reports and revealed the presence of many detainees held without charges for as long as 18 months.

Under the terms of Decree 20, Special Tribunal (Miscellaneous Offenses) Decree, which continues in effect, the previous government extended the death penalty in 1984 to a number of crimes including arson, tampering with oil pipelines or electric or telephone cables, illegal import or export of mineral ore, dealing in narcotics, illegally dealing in petroleum products, counterfeiting, and armed robbery even when no death or injury occurs. Three cocaine traffickers sentenced to death by a special tribunal were executed in April. Two of the three committed their offenses prior to the issuance of Decree 20. The press reported widespread public criticism of these executions by groups of lawyers, judges, and women, among others. Since then, other offenders have been sentenced to death for drug trafficking, but there have been no further known executions for this offense. Subsequently, the Chief of General Staff announced in November that there would no longer be a death penalty for convicted drug traffickers. Executions for armed robbery occurred in 1985 under both governments, which justified these punishments as necessary to restore order and discipline in society.

d. Arbitrary Arrest, Detention, or Exile

The arbitrary arrest and prolonged detention of persons, including foreigners, continued in 1985. The State Security (Detention of Persons) Decree, issued as Decree no. 2 in 1984 and still in force, allows for the detention of persons

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suspected of acts prejudicial to state security or harmful to the economic well-being of the country. The number of persons detained under this decree, which suspends the constitutional guarantee of the right to habeas corpus and cannot be challenged in any court of law, is unknown. Among the foreigners detained under this decree have been several Americans, some of whom were held for several months before being granted consular access or having charges filed against them. One American detained in 1984 for three months without consular access, and held nine months before charges were filed, was acquitted in January by a special tribunal and released. After the August coup, the new Government discovered that some common criminals had been detained without being charged under this decree, some for longer than sentences appropriate to their crimes would have required.

Both governments in power in 1985 released some persons detained under the state security decree. Some of the released persons have had to pay fines, and others must report regularly to the Nigerian Security Organization. Since August, the criminal suspects discovered in detention have been turned over to the criminal court system or released. Among the many persons still detained are former President Shehu Shagari, his Vice President Alex Ekwueme, former Head of State Muhammadu Buhari, and his Chief of Staff Tunde Idiagbon. The postcoup Government has established a panel to review the cases of all current and former detainees, as well as those previously sentenced by military tribunals. The new Government has also established a panel to review all decrees of the previous government, including the State Security Decree. In December, the Government announced formation of a third judicial commission which will be tasked with examining cases of persons held in custody under Decrees 2 and 3 and of persons who have been conditionally released since the August coup.

The military Government does not use forced labor as a means of political coercion or as a sanction against free expression. Nigeria's 1979 Constitution provides that "no person shall be held in slavery or servitude; and no person shall be required to perform forced or compulsory labour." The latter excludes community service programs and "normal communal or civic obligations for the well-being of the community." This exception is relevant to special environmental clean-up campaigns launched by the Buhari government that required both government and private sector employees to devote specified amounts of volunteer time cleaning the areas surrounding their places of employment.

No one has been exiled. The current Government has said that self-exiled former politicians are free to return home with the caveat that those suspected of crimes will be subject to prosecution.

e. Denial of Fair Public Trial

Provisions of the 1979 Constitution still in force guarantee persons charged with crimes a fair public trial in civilian courts within three months from the date of arrest. Cumbersome administrative procedures and inefficiency sometimes extend this time period. The Constitution also guarantees notification of charges and access to legal counsel. Such trials are public and adhere to constitutionally guaranteed individual rights. The new

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Government has assured the judiciary of independence from the executive branch. In capital cases, the Government provides counsel for indigent defendants. In other cases, indigents must rely for counsel on the Nigerian Legal Aid Society, which has limited resources.

Decrees promulgated by the previous government, which are currently under review, removed certain crimes from the jurisdiction of the civilian judicial system and subjected those charged with these crimes to secret trial by specially constituted tribunals. Decree 3, Recovery of Public Property (Special Military Tribunals), places persons suspected of corrupt practices or of otherwise contributing to the country's economic adversity under the jurisdiction of special military tribunals, chaired by military officers with a federal or state high court justice as a legal advisor. Decree 20 brought persons accused of crimes such as currency violations, accusations against public officials, arson, import and export of certain goods, destruction of public property, and use or possession of drugs under the jurisdiction of other tribunals in which federal or state high court justices headed panels of military and police officers. According to the decrees, all tribunal verdicts are subject to review by the ruling military council which can confirm, overturn, or reduce the penalties with no further appeal allowed. Convicted defendants have generally received the 21-year sentences prescribed by the decrees, but the Supreme Military Council reduced the severity of some sentences upon review. Despite decree provisions prohibiting appeal of tribunal convictions, the Government established in November two panels to review the cases of all persons convicted under Decrees 3, 7, and 20 with a view to upholding, reducing, or overturning the convictions. Distinguished and experienced judges were named to head the panels that will function essentially as courts of appeal.

The Nigerian Bar Association continued in 1985 to urge its members to boycott corruption trials because of the presence of members without legal training on the tribunals, the requirement that the corruption trials be held in camera, and the absence of a right of appeal. Some lawyers have ignored the Bar Association's position and represented the accused. While procedural norms appear to be followed by the tribunals, some defendants have had little time to consult a lawyer or to prepare a defense.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Nigerian society is generally free of arbitrary interference by the State in the private lives of citizens. The modified Nigerian Constitution guarantees rights of privacy in the home, correspondence, and oral electronic communications. General surveillance of the population by the State is not practiced in Nigeria. There is no political enforcement of social, cultural, or religious codes. Forced entry into homes by police and security officials is not generally permitted without the authorization of the judiciary. However, the police and members of the Nigerian Security Organization have occasionally entered homes and offices without a warrant when seeking evidence in corruption cases.

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Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The modified Nigerian Constitution guarantees freedom of expression and the press. The Government fully restored these freedoms immediately after the August coup with the repeal of Decree 4, the Public Officers (Protection Against False Accusation) Decree, which had made it an offense for any person to publish a statement, rumor, message, or report about a government official that was false or designed to subject the government to ridicule. Two journalists convicted in 1984 under provisions of this decree were released from prison in early 1985 after serving their one-year sentences. Following the repeal of Decree 4, the Government released five other journalists who had been detained under Decree 2, the State Security (Detention of Persons) Decree. There is no direct government censorship of the media, including of books, but there was evidence of self-censorship by all media while Decree 4 was in force. Prior to the August 27 coup, private newspapers claimed that the government discriminated against them in the allocation of newsprint. These complaints ceased after the coup.

Among the vast array of Nigerian daily newspapers is one jointly owned by the federal and several northern state governments. Another is owned 60 percent by the federal Government. Four national dailies with large circulations are privately owned. Some state governments operate their own newspapers. In some states, privately owned dailies compete with state papers. There are also no restrictions on ownership of other forms of print media. The Constitution, however, reserves the right to own and operate radio and television stations for the federal and state governments.

b. Freedom of Peaceful Assembly and Association

Political parties, provided for in the 1979 Nigerian Constitution, remain banned. A 1984 decree authorizes the Government to dissolve any other group considered to have objectives similar to those of a political party. Just prior to the August coup, the Buhari government banned public discussion of the country's political future and arrested some journalists and others for allegedly defying the law. In February, the previous government banned the Nigerian Medical Association (NMA) and the National Association of Residential Doctors (NARD) during a strike by doctors in government hospitals that was crushed by this and other tough government measures. This banning remained in force at the end of 1985. The National Union of Nigerian Students (NUNS) remained banned and its offshoot organization, the National Association of Nigerian Students (NANS), is not recognized by the Government. NANS' leaders were, however, found to be not guilty by a regular court in January of meeting for an allegedly illegal purpose five months earlier. In July, the Nigerian National Police arrested six NANS student leaders at the University of Port Harcourt for holding an unauthorized meeting. Following sympathy demonstrations on the Port Harcourt campus and at the University of Ibadan, the police arrested more students and temporarily closed the two campuses.

Nigeria has ratified International Labor Organization (ILO) Conventions 87 (Freedom of Association and Right to Organize) and 98 (Right to Organize and Collective Bargaining).

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Nigerian trade union, social, and professional organizations are guaranteed the right of association by the 1979 Constitution. On the international level, government policy since 1975 has limited union freedom of association to the ILO, the Organization of African Trade Union Unity, and its affiliated Pan-African Labor Federations. Membership is prohibited in such international bodies as the World Federation of Trade Unions and World Confederation of Labor, but "fraternal relations" with foreign trade unions and secretariats are permitted as long as there is no formal affiliation.

Nigeria has 42 industrial unions, one senior staff association, and one professional association that comprise the Nigeria Labour Congress (NLC), the country's single central labor body. Nigeria's industrial union leaders are democratically elected and independent of government control. Thanks to mandatory dues checkoffs, most of the larger industrial unions are financially independent. Some unions, especially small ones, however, are reportedly in serious financial difficulties following three years of depressed economic conditions. All Nigerian workers 16 years or older may join trade unions, except members of the armed forces and designated employees of essential government services at the federal, state, and local levels. Employers are obliged to recognize trade unions and, since 1978, must pay a dues checkoff for employees who are members of a registered trade union. The establishment of closed shops is prohibited.

Nigerian law and practice generally provide that the terms and conditions of labor will be determined by collective bargaining agreements between management and trade unions. However, in 1984 the previous government imposed a national wage freeze and virtually ordered the NLC trade unions to suspend collective bargaining negotiations for one year; the latter order was allowed to lapse in 1985 but the wage freeze was extended. On November 1, the new Government ordered specified wage cuts for all employees in government ministries and bodies, government-owned companies, and educational institutions without regard to preexisting contracts, and without effective consultation with the affected trade unions. The pay cuts were extended into the private sector following government consultations with the Nigeria Labour Congress (NLC) on November 22. The Government also set up a tripartite committee of government, private sector employers, and the NLC to consult on future emergency economic measures, and a decree issued on November 11, the National Economic Emergency Decree, grants the Government broad authority until December 1986 to issue orders pertaining to "labour matters generally," including issues pertaining to trade disputes.

Industrial disputes ordinarily are governed by the 1976 Trade Disputes Decree, which provides for various conciliation and mediation measures by an industrial arbitration panel and a national industrial court. Strikes and lockouts are forbidden while disputes are under consideration by these bodies. In theory this means that most strikes are illegal, but in practice government intervention has varied widely. In previous years, several hundred work stoppages annually were the norm, whereas only 69 occurred between May 1984 and May 1985. This sharp reduction reflected both the weakened bargaining position of unions during depressed economic conditions and the impact of warnings by the ousted government that it would not tolerate industrial indiscipline.

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c. Freedom of Religion

Constitutional provisions of freedom of religion, religious practice, and religious education are generally respected throughout the country. There are reports of harassment of Christians by state officials in the Muslim North in the form of excessive bureaucratic requirements for church construction projects and occasional refusal of permission to build. There are no restrictions on numbers of clergy trained nor on contacts with coreligionists in other countries. Religious travel, including the Hajj, is permitted and in some cases officially supported. Missionaries and foreign clergy are permitted to enter Nigeria but their activities are not encouraged. In June, the federal Government issued a decree requiring licensing of religious services outside churches and mosques.

Nigeria's population is approximately one-half Muslim and more than one-third Christian, with the remainder being mostly adherents of traditional beliefs. Interreligious marriages occur frequently. Islam and Christianity compete for converts and influence throughout much of the country, especially in the belt of states between the predominantly Muslim North and the predominantly Christian South. Polarization between Christian and Islamic communities most often occurs where a "religious difference" is associated with geographic or ethnic differences. There were no reports of incidents between the two communities in 1985. Despite the religious dominance of Islam and Christianity, non-Muslim/non-Christian minority communities generally live under peaceful conditions throughout the country.

The 1982 ban on the Muslim Maitatsine sect remains in effect. The group still exists, however, and was behind the April 1985 disturbances in the northern town of Gombe. Police moved against the rioters, who had threatened to set Gombe on fire unless their leader was released, and killed an estimated 100 people, about half of them Maitatsine followers. An almost equal number were reportedly killed indiscriminately by the rioters themselves. While Nigeria's Constitution prohibits "secret societies," the restrictions against the Muslim Maitatsine sect represent the only publicized example of proscription of a religious sect in Nigeria.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Nigeria's Constitution entitles citizens "to move freely throughout Nigeria and to reside in any part thereof." The same provision states that "no citizen of Nigeria shall be expelled from Nigeria or refused entry thereto or exit therefrom." In general, these provisions have been observed. Some of the detainees released in 1985, however, must report periodically to the Nigerian Security Organization. Police checks on streets and highways impede but do not prevent travel.

The ease of foreign travel has been affected by stringent government restrictions on the amount of Nigerian currency that may be converted for use outside the country and by the fact that Nigeria's land borders have been closed since April 1984. In January, the government lifted restrictions limiting new passports to students or to persons going abroad for official business or emergency medical treatment. At the same

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time it reduced the validity of newly issued passports from five to two years. In June, the previous government issued a decree authorizing the Minister of Internal Affairs to cancel any passport for specific reasons including the "public interest." There are no reports that this decree has been applied. Nigerians continue to travel abroad in large numbers and many thousands are studying abroad. Exit visas are not required to leave the country.

There has been no forced resettlement of Nigerian citizens, but there was a mass expulsion of foreign citizens in 1985. In mid-March, the government ordered illegal aliens to regularize their status or leave the country by May 10. As in 1983, the government cited illegal employment of aliens and the high crime rate as reasons for the measure. An estimated 700,000 persons were affected, and, according to the Ministry of the Interior, more than half of this number actually left. To facilitate the movement of the aliens, Nigeria opened its land borders for one week. Lengthy administrative procedures, lack of coordination with neighboring countries, and inadequate transport resulted in an estimated 25,000 persons being caught without adequate food, water, shelter, or sanitary facilities at the Benin-Nigerian border when it closed again May 10. According to press accounts, several aliens were killed when the police moved in to quell a riot at the border camp before the aliens were moved to the Lagos airport transit camp. The government denied that any deaths had occurred.

The previous government's expulsion order did not pertain to an estimated 240,000 persons who had moved into northern Nigeria to escape the effects of the severe Sahelian drought in Chad and Niger. Nor did the measure affect bona fide refugees. Nigerian law and practice permit temporary refuge and asylum in Nigeria for political refugees from other countries. Nigeria supports and cooperates with the work of the Lagos office of the United Nations High Commissioner for Refugees.

No known penalties have been levied on Nigerians who have emigrated, settled abroad, or acquired another nationality. However, Nigeria does not recognize dual nationality, and naturalization in another country does not release Nigerians from Nigerian laws.

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

The Armed Forces Ruling Council (AFRC), a 28-member group of military officers headed by President Babangida, is the highest political authority in Nigeria and the principal decisionmaking body in the Government. It replaced the defunct Supreme Military Council (SMC) of the overthrown government. There is no legislative body, and political parties are prohibited. The AFRC promulgates all laws by decree, and all decrees are exempt from challenge in any court of law. The President appoints a federal cabinet, currently comprised of 22 military and civilian ministers in almost equal numbers, which presides over the executive departments. Military governors head the 19 state governments. Each state has an executive council of military and police officers and some civilian commissioners. Together with the President, the 19 state governors constitute a National Council of States.

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The new Government announced in October that in 1986 it would present a political plan for the future governance of the country, but it has made no explicit statements about returning Nigeria to civilian rule or holding elections within a multiparty framework as occurred in 1979 and 1983.

Although no formal political structures exist to allow popular input into political decisionmaking, the new Government has stated that it intends to govern in the interest of the people and has taken steps to solicit popular opinion on crucial issues. For example, the Government threw open to public debate the question of whether Nigeria should accept an International Monetary Fund (IMF) stabilization agreement.

The public debate was conducted primarily in the media, in forums of Nigeria's multitude of professional organizations and associations, and before a specially constituted government panel. Nigeria's foreign policy and its future political system will be debated in a similar manner in 1986. The composition of the current Government reflects greater ethnic and religious diversity than any government in the recent past. However, there are currently no women on the AFRC or in the federal cabinet, although some women serve as commissioners in state governments.

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

Even during a period which has seen the suspension of democratic government and the conduct of extrajudicial trials held in secret, Nigeria remained a relatively open society. Amnesty International maintains an office in Lagos and circulates a monthly newsletter. Its annual human rights reports receive prominent coverage in the press, including its 1985 report.

The human rights committee of the Nigerian Bar Association (NBA) monitors the domestic human rights situation and has consistently gone on record against human rights abuses. It spoke out against the creation of military and special tribunals to try civilians, criticizing their composition and their secrecy, and has called on NBA members to boycott those trials chaired by military men instead of trained judges. The Government has not taken action against the organization for this stand. In fact, the newly appointed Attorney General and Minister of Justice is the ex-chairman of the NBA human rights committee.

The Amnesty International 1985 report (covering 1984) inter alia expressed concern that political prisoners were tried by tribunals using procedures which fell short of internationally recognized standards. It also noted that many of the 111 or more people executed in 1984 had been convicted by tribunals which did not permit any judicial appeal. Freedom House rates Nigeria "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Nigeria's population is estimated at 100 million. With 47 percent of the population currently under 15 years of age and an estimated growth rate of 3.2 percent per year, the total population may double within the next 20 years. The World Bank estimated 1983 per capita gross national product (GNP) at

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\$770. This is a drop of almost \$100 from 1982, reflecting the general economic downturn and population increases. The figure has probably continued to decline. The per capita GNP figure can also be misleading, as oil exports account for most of the country's revenue, and a large part of the rural population is only marginally involved in Nigeria's cash economy.

In the past three years, Nigerians have had to adjust to reduced petroleum revenues, steep inflation, and a decline in economic activity. Particularly affected has been the capital, Lagos, where inadequate facilities for water, electricity, housing, and other services have been overwhelmed. Poor urban dwellers face high unemployment, squalid living conditions, rising costs, and serious crime. Nevertheless, the fruits of development, such as road networks, public health facilities, public school systems, airports, electrification, and mass communications, are more accessible to urban dwellers than to the rural majority who are still dependent on agricultural production.

There is virtually no starvation in Nigeria. Although economic difficulties continue to create periodic shortages of imported foodstuffs, good rains in 1985 are likely to produce bumper crops in some areas following several years of poor harvests. The World Bank estimates that the average Nigerian receives 98 percent of daily nutritional requirements. Nevertheless, as in most developing countries, the possibility of malnutrition still exists and was reported in northern Nigeria before the harvest. Life expectancy at birth is 50 years, while infant mortality is estimated by the World Bank at 135 per 1,000 live births. The adult literacy rate was estimated at 34 percent in 1980. The World Bank estimated that primary school enrollment in 1979 was 88 percent of the relevant age group.

A 1984 decision to reduce the number of educational facilities at all levels and to impose fees and abolish subsidies at some levels is also reflective of the policy of the new Government. Five federal universities and all private universities have been closed while plans for additional state universities have been dropped. Many primary and secondary schools have been closed or merged, while polytechnical colleges have been reduced in number. Almost all states require school fees for secondary school students, and federal subsidies for room and board have been abolished. It is too soon to tell whether these measures have had any significant impact on enrollment figures.

The 1974 labor decree forbids industrial and commercial employment of children under 15, and restricts other child labor to home-based agricultural or domestic work. The decree also provides a number of special health and safety provisions to protect young and female workers, in addition to general provisions with respect to hours of work and occupational health and safety. It allows the apprenticeship of youth 13-15 under specified conditions, including a written contract approved by a government labor officer.

Normal working hours in commerce and industry are 40 hours weekly, with 2 to 4 weeks annual leave. Nigeria's minimum hourly wage for commerce and industry is about \$1.40, one of the highest in Africa. Employers must compensate injured workers and dependent survivors of those fatally injured in

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industrial accidents. The 1974 Labor Decree and the Factories Act provide for government establishment and enforcement of occupational health and safety standards under the Ministry of Employment, Labour, and Productivity.

Women in Nigeria have always had economic power and have exerted influence in the society through women's councils or through their family connections. There has been a dramatic increase in the number of women who have university degrees and who have become professionals, including teachers, lawyers, doctors, judges, senior government officials, media figures, and business executives. The new Government has named the first woman Vice Chancellor of one of the country's universities. But the status of women remains ambiguous. Despite a degree of economic independence, women suffer legal discrimination, experience social inferiority, have virtually no representation in the political arena, and are commonly discriminated against in employment. The pattern and specific features of discrimination against women vary according to the ethnic and religious diversity of Nigeria's vast population. In some states husbands can prevent their wives from obtaining employment or passports. In many states a widow cannot inherit her husband's property, which in the absence of children usually reverts to the husband's family. Women do not receive equal pay for equal work. Male professionals receive fringe benefits not extended to their female counterparts. Female circumcision, which has never become a major public issue, is still practiced in many areas.

There is no systematic discrimination among Nigeria's diverse ethnic and religious groups, although tensions among them do exist and tradition imposes considerable pressure on individual government officials to favor members of their own ethnic, regional, or religious group. Laws do not favor one group over another. To the contrary, there is generally a conscious effort to strike a balance among different groups in key governmental positions and decisions.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: NIGERIA

	1983	1984	1985
I.ECON. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.AID	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN \$-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	5.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	5.0
A.MAP GRANTS.....	0.0	0.0	5.0
B.CREDIT FINANCING...	0.0	0.0	0.0
C.INTL MIL.ED.TRNG...	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	0.0	0.0	5.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	5.0
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1983	1984	1985	1946-85
TOTAL.....	133.2	487.6	121.5	2990.7
IBRD	120.0	438.0	119.0	2688.3
IFC	0.0	4.9	2.5	29.7
IDA	0.0	0.0	0.0	35.3
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	9.6
UNDP	1.5	4.7	0.0	89.8
OTHER-UN	11.7	0.0	0.0	48.0
EEC	0.0	40.0	0.0	90.0

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Rwanda's present Government, under Major General Juvenal Habyarimana, came to power in a nonviolent coup in 1973. The President is also the founder of the single party, the National Revolutionary Movement for Development. Government policy is set by the President in consultation with the party's central committee and the Council of Ministers. Laws are adopted by the National Development Council (the legislature), which was established in 1982. In December 1983, President Habyarimana, the sole candidate, was reelected along with a new slate of deputies. Although the legislative candidates had to be approved by the party, the race was open to almost all who chose to run.

The major organizations responsible for administration of justice in Rwanda include the Ministry of Justice--law courts, judicial police, and the prison system--and the gendarmerie, the police force which is recruited in parallel with the army but receives specialized police training. In addition, the Office of the President includes the Central Intelligence Service which can make certain decisions which may not be appealed, such as denial of passports to Rwandan citizens for travel abroad or the extension of visas and residence permits to foreigners.

Most Rwandans are poor rural farmers. There is little industry, and imports are expensive because of high transportation costs. Nevertheless, Rwandan economic development has managed to keep pace with the country's high population growth rate.

The human rights situation in Rwanda continued gradually to improve in 1985. The President again stressed the nation's commitment to human rights, including in his speech on Rwanda's national day in July 1985. The Government also concentrated on a series of training seminars for persons involved in the administration of justice, continued to release prisoners who had served at least half of their sentences, and made efforts to improve the treatment of prisoners. In 1985, 36 prisoners convicted of political crimes were conditionally released.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There were no reports of politically motivated killings or summary executions in Rwanda in 1985.

b. Disappearance

Unexplained disappearances have not occurred in recent years.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

According to Amnesty International's 1985 Report (covering 1984), there have been allegations of torture made in court by political prisoners, involving forced confessions and electrical shocks. However, Amnesty International also noted

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the Minister of Justice's efforts to punish security and police forces found to have ill-treated prisoners.

Corporal punishment is not permitted, but neglect, overcrowding, and inadequate guard training have rendered prison conditions generally poor. The Government attempts to cope with overcrowding in part by periodic amnesties of persons who have served half their terms or have fewer than 5 years to serve. The most recent such amnesty was announced in July 1985. A new prison with improved facilities opened near Kigali, and more facilities are planned for the future. The Minister of Justice has made the improvement of the prison system his first priority. A seminar held for directors of prisons in March 1985 emphasized the right of prisoners to be treated humanely and with dignity. All categories of prisoners may now have monthly visits by their families.

d. Arbitrary Arrest, Detention, or Exile

Except for suspects caught committing crimes, arrests normally occur with a warrant following investigation. Except in rare cases where the defendant is not available, charges must be formally stated in the defendant's presence within 5 days of arrest. Failure to meet that requirement is grounds for dismissal of the charges. Under preventive detention provisions, however, persons may be held for 30 days. At the end of that period, a judicial review is mandatory. If warranted, the detention can be prolonged indefinitely for 30-day periods. These provisions have not been invoked during the past year. Detainees may appeal their incarceration, and the appeal must be heard within 24 hours by a competent judicial authority. There were no known exceptions to the legally mandated warrant procedures and no detentions for political offenses in 1985. The Justice Ministry has initiated a program of official visits to prisons to ascertain that the proper documentation exists for each detainee.

Rwandan law prohibits forced labor.

e. Denial of Fair Public Trial

Although all defendants are constitutionally entitled to representation, a shortage of lawyers makes it difficult for the accused to prepare an adequate defense. Family and other nonprofessional counsel is permitted. Trials which arouse extensive public interest are often broadcast to the street, so that persons who cannot be seated in the courtroom may still follow the proceedings.

The judiciary is statutorily independent and expected to apply the penal code impartially, but the President names and dismisses magistrates. New laws in January 1982 strengthened the independence of the judiciary somewhat by improving the nomination process and more closely defining the functions of judicial personnel. Rwanda has three separate court systems for criminal/civil, military, and state security cases. All but security cases may ultimately be appealed to the court of appeals. The state security court has jurisdiction over national security charges such as treason. Some cases tried before this court have resulted in innocent verdicts.

In 1985, 36 persons convicted of political crimes were granted conditional release from prison. Thirty-three of them had been held since 1960 for activities committed during the

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revolution. The others had been convicted in 1983 of having distributed seditious documents and were adopted by Amnesty International as prisoners of conscience.

Theoneste Lizinde, former Chief of State Security, who is already serving a life sentence for a 1981 conviction of plotting to overthrow the Government, was tried for a second time in May 1985. In the 1985 trial, Lizinde and 11 others were tried on charges of murder, torture, and other crimes against human rights for activities committed in the aftermath of Habyarimana's 1973 coup. The defendants were accused of torturing and killing 55 prisoners, including many former cabinet ministers. Ten of the defendants, including Lizinde and the former Ruhengeri Prison Director, were convicted. The other defendant was acquitted. Lizinde and four codefendants were sentenced to death, while the others received varying prison sentences. The appeals process has yet to run its course, so it is uncertain whether the death sentences will actually be carried out. Those convicted, along with the Rwandan State, are also being held responsible for indemnifying the victim's families.

In August 1985, four persons were tried for political crimes committed between 1960 and 1981. One of the defendants was acquitted; two others received sentences of 2 and 7 years respectively, and the fourth, Aloys Ngurumbe, was sentenced to life imprisonment for fomenting an armed rebellion against the Government.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Rwandans are subject to some interference in their private lives, following practices inherited from the former monarchy which ruled the country for several hundred years. Police are normally required to have warrants before entering a private residence, but, using the pretext of checking required documentation, authorities can gain unwarranted entry into homes. A person may move out of his home commune only with the permission of the mayor of the commune into which he wishes to move; the Government can bar a person from specific employment, but not all employment; and all citizens must carry identification cards. On the other hand, there is no evidence that the Government monitors private correspondence, and the receipt of foreign publications is permitted. Rwandans have the right to own property.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The law guarantees freedom of speech and press, but public criticism of the Government is conspicuously lacking. This is probably due as much to the tradition of respecting authority as to fear of sanctions. Candidates in the 1983 legislative elections were restricted to expressing opinions and advocating policies sanctioned by party doctrine. However, some members of the National Development Council have criticized government policies from the floor of the Council.

The Government produces radio broadcasts, a daily press bulletin, and a weekly newspaper. Two Catholic church publications sometimes print muted criticism of political and economic conditions. Such criticism is tolerated and

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occasionally even encouraged by the Government. There is no record of any journalist having been arrested for what he has written. The Government has cautioned the press, however, to avoid what it regards as "harmful" criticism of leaders and maintains that the press should devote its efforts to "promoting development." Books and imported publications are not censored, and academic freedom of inquiry and research is respected at universities.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly is limited. There have been no public meetings or demonstrations to express overt opposition to government policies. The Government permits private associations but requires that they be registered and accorded legal recognition.

The Rwandan Labor Code grants workers the right to organize "professional organizations." If such organizations establish a collective bargaining agreement with the employer, they may negotiate salaries and terms of employment. No unions currently exist in Rwanda, but the Government is in the process of forming a labor confederation. This confederation is expected to begin functioning in early 1987. It is organized under the guidance of the party, which must approve its choice of officers, and hence will be limited in its independence. All member unions will have the right to strike, but only with the approval of the confederation executive bureau. In meetings prefatory to the confederation's creation, the responsibility of labor to contribute to the development of the nation and to transcend the parochial interests of individual workers and trades were recurrent themes. The Government has permitted seminars on labor issues, organized by unofficial local labor bodies, which receive some support from foreign labor confederations and the International Labor Organization.

c. Freedom of Religion

Freedom of religion is guaranteed by the Constitution and respected in practice. The population is 70 percent Christian and 1 percent Muslim, with the remainder following traditional African or no religious practices. Eighty percent of the Christians are Catholic, but there are active Protestant denominations. The Government does not openly favor one religion over another, although the Catholic Archbishop of Kigali is a member of the party's central committee, and all but one or two members of the National Development Council are Catholic. The Government depends upon church-sponsored schools for a considerable portion of education in Rwanda (over 85 percent of secondary schools are church sponsored).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of residence within Rwanda is restricted by laws and regulations which require people to hold national identity cards and residence and work permits. People who wish to spend more than 3 days in a commune other than their own must obtain permission from the authorities of the communes they will be visiting. Property owners who do not require renters to show valid documentation are subject to fines and even imprisonment. "Clandestine" renters are subject to expulsion.

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Foreign travel is closely controlled through the granting or refusal of passports, preceded by a security check of each applicant under the auspices of the Central Intelligence Service. Rwandans often are denied permission to travel abroad, usually without formal explanation. In addition, they must pay a refundable deposit of about \$400 for each passport issued for unofficial travel. This is ostensibly to cover the cost of any subsequent repatriation, but it has the effects of discouraging travel and conserving foreign exchange.

Rwandans may emigrate provided they are properly documented. Official policy states that people who left Rwanda as refugees during the revolution or for other reasons may be repatriated on a case-by-case basis. Refugees and displaced persons can and do return for short family visits on a laissez-passer from the country of refuge. Family members remaining in Rwanda may also obtain a laissez-passer for visits to neighboring countries, without having to go through all the formalities of a passport application. Rwanda's extremely high population density and shortage of land greatly restrict prospects for repatriation and resettlement of refugees and displaced persons. However, the Government has recognized the citizenship claims of some of the refugees and displaced persons forced into the country from Uganda in October 1982; and in late 1985, it began resettling some of those recognized as Rwandans.

The 1985 coup in Uganda caused a major upheaval in the status of the 30,000 Ugandan refugees in Rwanda. Following the ouster of President Obote, the Ugandans felt it was safe to return to the land and houses they had abandoned in their homeland. The Ugandan Government had already accepted the citizenship claims of about 90 percent of these people, but before any orderly resettlement process could be negotiated with the United Nations High Commissioner for Refugees and other agencies, the refugees began moving back to Uganda. The Rwandan Government assisted this movement by providing extra rations for those willing to leave, buses to take them to the border, and similar strong incentives. During a period of confusion, many departed Rwanda. At the same time, services such as food distribution, woodcutting, and the like became disrupted among the refugees remaining behind. Ultimately, the Ugandan Government recognized the movement back across the borders, and the last Ugandan citizen among the refugees left in November 1985.

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

Rwandans have no opportunity to change their government through a free choice of alternative legislative proposals and candidates from opposing parties for public office. All policy decisions and nominations of candidates for public office are made by the party, which is the "sole body permitted political activity." The party in turn is dominated by its president, who chooses the Secretary-General and central committee and is the only constitutionally recognized candidate for President of the nation.

Every citizen is automatically a member of the party and theoretically must pay party dues on a sliding scale representing 1 or 2 days pay per year. Delegates are elected and appointed to the governing National Congress, which meets

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every 2 years (most recently in December 1985). The essential function of the congress is to endorse the programs presented by the party leadership.

Only candidates approved by the party may run for public office. The President can veto candidates for the legislative seats of the National Development Council. At the local level, representatives are expected to be responsive to the voters, as demonstrated by the fact that many incumbents were defeated in 1985 elections.

Rwanda's preindependence traditional feudal society, dominated by the Tutsi ethnic group (10 percent of the population, according to the 1978 census), was transformed in 1959 by a revolution of the majority Hutu (89 percent of the population) into a society with a stronger emphasis on individual rights. An ethnic majority government confirmed these internal changes at independence in 1962. During the next decade, Hutu efforts to redress the social, economic, and educational imbalance led to division and corruption among the Hutus and to sporadic ethnic strife. This gave rise to the coup d'etat which brought President Habyarimana to power.

Women play a marginal role in political life. Nevertheless, there is 1 woman in the party's 21-member central committee, 9 of 70 legislative deputies are women, and there are a good number of women council members at the local level.

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

Rwanda has made a concentrated effort in recent years to participate in human rights activities and to improve its human rights record. Representatives of the International Committee of the Red Cross (ICRC) have made periodic visits to prisons. In its 1985 Report, Amnesty International was concerned about the continued imprisonment of a number of prisoners of conscience but also noted that some had been released and that the Minister of Justice and Kigali's Roman Catholic Archbishop had investigated allegations of harsh prisons conditions. The results of this latter investigation have not been published. There were no reports of requests for outside investigations of alleged human rights violations in 1985. Freedom House rated Rwanda "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Rwanda is one of the world's poorest and most densely populated countries (6.3 million people and 3.8 percent annual population growth in 1985). Gross national product (GNP) per capita has more than doubled since 1970, but still totaled only \$270 in 1983. Some 95 percent of Rwandans earn their living from subsistence farms averaging less than two acres. Urban residents are marginally more prosperous than rural farmers but suffer unemployment, with wages lagging behind moderate inflation. In the mid-1970s, 30 percent of urban dwellers and 90 percent of rural inhabitants were estimated to be living below the absolute poverty level.

Rwanda's principal export crop is coffee, which accounts for about 70 percent of foreign exchange earnings and provides the bulk of government revenues. The country has little industry and must pay high transportation costs to move goods along a

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1,100-mile road and railroad link to the sea via Uganda and Kenya. The 1985 coup and fighting in Uganda effectively blocked this route, forcing Rwanda to transport its imports and exports via the less well-developed roads of Tanzania, thereby incurring even higher transportation costs. Real economic growth in recent years has stayed ahead of population growth, but prospects that it will continue to do so in the long term are dim. Rwanda's trade, investment and banking policies encourage private-sector economic activity. About 85 percent of Rwanda's small businessmen are Rwandans, and the proportion is growing. The Rwandan Government has undertaken a series of reforms aimed at stimulating labor intensive industry as well as encouraging privatization and trade liberalization. Foreign investment is currently stagnant, due primarily to the inadequate transportation infrastructure.

Development goals and projects address all regions and population groups equally. Life expectancy has increased from 41 years in 1968 to about 47 years in 1985, while infant mortality has remained at a level of about 124 per 1,000 live births. In 1977, Rwandans received about 87 percent of their caloric nutritional requirements, and 54 percent of the population had access to safe water in 1980. Adult literacy was estimated at 50 percent in 1980, and primary school enrollment as a percentage of primary school age children in the population expanded from 49 percent in 1960 to 83 percent in 1982 (male 87 percent, female 81 percent).

Children under 18 are not permitted to work without their guardian's authorization, and they may not work at night except under exceptional circumstances on a temporary basis. The Minister responsible for labor affairs may grant work permission to a child under 14. This Minister also sets the minimum wage and overtime rates. Hours of work and occupational health and safety are controlled by law and enforced by labor inspectors.

Women perform most of the agricultural labor and have benefited less than men from social development. Despite the language in the Constitution, women's rights to property are limited, and women are not treated equally in divorce proceedings. Moreover, women have fewer chances for education, employment, and promotion, often because men prefer them to remain in uneducated traditional roles at home. Family planning services are still inadequate but are improving. There are virtually no day care services for children of mothers who wish to work. There are few organizations promoting women's interests, and efforts to establish a national union of Rwandan women within the political movement have been unsuccessful to date. However, in 1985, the Ministry of Public Health and Social Affairs held a 3-day seminar to examine the problems of women working in urban areas, possibly indicating increased attention to this subject by the Government.

The Constitution states, "all citizens are equal before the law, without any discrimination, notably that of race, color, origin, ethnicity, clan, sex, opinion, religion or social position." However, the requirement that ethnic origin be listed on identity documents helps to ensure that informal quotas corresponding to the Hutu/Tutsi ratio in society are not exceeded. The Tutsi minority has in fact been relegated to a minor role in government, civil service, and the military but is better represented in private business.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: RWANDA

	1983	1984	1985	
I.ECON. ASSIST.-TOTAL...	8.6	12.8	24.6	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	8.6	12.8	24.6	
A.AID	5.3	8.3	18.8	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	5.3	8.3	18.8	
(SEC.SUPP.ASSIST.)...	0.0	0.0	12.0	
B.FOOD FOR PEACE.....	3.2	4.4	5.8	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	3.2	4.4	5.8	
TITLE I-TOTAL.....	0.0	0.0	0.0	
REPAY. IN \$-LOANS.....	0.0	0.0	0.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	3.2	4.4	5.8	
E.RELIEF.EC.DEV & WFP.	0.4	0.4	1.6	
VOL.RELIEF AGENCY.....	2.8	4.0	4.2	
C.OTHER ECON. ASSIST...	0.1	0.1	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.1	0.1	0.0	
PEACE CORPS.....	0.1	0.1	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II.MIL. ASSIST.-TOTAL...	0.1	0.0	0.1	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.1	0.0	0.1	
A.MAP GRANTS.....	0.0	0.0	0.0	
B.CREDIT FINANCING....	0.0	0.0	0.0	
C.INTL MIL.ED.TRNG....	0.1	0.0	0.1	
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E.OTHER GRANTS.....	0.0	0.0	0.0	
III.TOTAL ECON. & MIL...	8.7	12.8	24.7	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	8.7	12.8	24.7	
OTHER US LOANS.....	0.0	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	0.0	0.0	
ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	
			1946-85	
TOTAL.....	54.2	40.8	21.2	454.8
IBRD	0.0	0.0	0.0	0.0
IFC	0.0	0.3	0.0	1.1
IDA	36.3	9.0	16.3	234.7
IOB	0.0	0.0	0.0	0.0
AOB	0.0	0.0	0.0	0.0
AFDB	10.4	30.3	4.9	113.7
UNDP	5.3	1.2	0.0	34.8
OTHER-UN	2.2	0.0	0.0	10.3
EEC	0.0	0.0	0.0	60.2

SAO TOME & PRINCIPE*

Sao Tome and Principe has been a one-party state since gaining independence from Portugal in July 1975. Effective political power is concentrated in the Presidency and the party, the Movement for the Liberation of Sao Tome and Principe. The country is composed of two small islands off the west coast of Africa with a total population of about 105,000. At independence, Manuel Pinto Da Costa, the leader of the political party, was chosen President without opposition by the party and the Popular Assembly, constitutionally the supreme organ of State and highest legislative body. The party reconfirmed him for a third 5-year term in September 1985.

No political opposition is permitted outside the party. Small opposition groups in exile in Portugal and Gabon have thus far shown no evidence of being able to influence events on the islands. There is no known organized political opposition in Sao Tome itself. There are a few Soviet and Cuban military advisors, and the small Sao Tomean army is reinforced by troops from Angola.

In the past the Government drew heavily on Marxist-Leninist principles, stressing state control of the means of production. With a deteriorating economic situation, state control was reduced in 1984-85, and the private sector was strengthened. The steady decline in cocoa exports, which account for 90 percent of Sao Tome's exports, reflected both lower world prices and serious management problems on the nationalized plantations. Lack of adequate rain since 1983 has further reduced all agricultural crops, resulting in serious food shortages and the need for food assistance from the United States and other Western countries.

There was no known change in the overall human rights situation in 1985. Freedoms of speech, press, and assembly are circumscribed, but some public criticism of government policies is permitted. All news media are under government control.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There were no reports of political killings in 1985.

b. Disappearance

There were no reports of disappearance in 1985.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment.

No reports of such abuses were received in 1985.

d. Arbitrary Arrest, Detention, or Exile

Eight Sao Tomeans were arrested in 1984 and detained without trial because of public criticism of the Government. These

*There is no American Embassy in Sao Tome. Information on the human rights situation is therefore limited.

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included persons detained for expressing open dissatisfaction with the Government's handling of the food situation. These detainees may have been released. Also, in late 1984, the appearance of antigovernment tracts in Sao Tome led to the cancellation of a number of exit permits and reported imprisonment of those persons held responsible. However, there have been no recent reports of people being detained.

There have been no reports of the use of forced labor.

e. Denial of Fair Public Trial

The Constitution does not address the right to a public trial, but there have been instances of public trials of persons accused of common crimes in recent years. Criminal trials are occasionally reported by the local media. In most cases, however, common criminals are given a hearing and sentenced by a judge. To date the only political prisoners given trials were those accused of coup-plotting in 1977. In those trials and in criminal trials since that time, the accused were assigned counsel by the Government. There is no tradition of independent defense counsel. Common criminals are given a hearing and sentenced by a judge.

As of the end of 1985, the Government claimed that it held no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Because of Sao Tome's geographic isolation and its small population, the Government does not have a highly intrusive security system to detect opposition opinion. However, the Government's loosely organized system of informers, and its monitoring of political activities ensure that potential dissidents are identified.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The security services are alert and react quickly to public expressions of opposition or dissatisfaction with the Government. All Sao Tomean media are government organs and consist of one television station which broadcasts 2 days per week; a radio station which carries music, government news releases, and instructional programs; and a weekly two-to-four page newspaper of government news releases. No public written criticism of the Government seems to be tolerated, but oral criticism at party-sponsored meetings exists. The only foreign wire service items are occasional items from Soviet and Angolan sources. Voice of America Portuguese language programs reach Sao Tome and are listened to without interference. Sao Tome Radio also uses VOA taped music programs.

b. Freedom of Peaceful Assembly and Association

Political assembly and activity are legal only within the country's sole political party, the Movement for the Liberation of Sao Tome and Principe. Cultural and social organizations require government approval, which is believed to be easily obtained.

In the past, the sole trade union, which was affiliated with the party, existed mainly on paper. Recent efforts have been

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undertaken to organize a new union, which will be theoretically independent of the Government, but the Minister of Justice is spearheading this organizing effort, and the rights of this new union to bargain collectively are as yet undetermined. Its plans for international affiliations are also not yet known. There is no explicit legislation forbidding strikes, but no strikes have taken place in recent years.

c. Freedom of Religion

Religious freedom is guaranteed by the Constitution. The three religious communities--Roman Catholic, Evangelical Protestant, and Seventh-Day Adventist--are allowed to practice freely. The Government provides some funding for a school and a social services center managed by the Catholic Church.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The geographic isolation and poverty of the country severely limit foreign travel and emigration. In addition the Government closely controls exit visas for the few people who do travel. Almost all trips outside the islands are for governmental missions or medical evacuation. Domestic travel is not controlled by the Government, and people move freely on the islands of Sao Tome and Principe. The lack of reliable and affordable air service severely limits interisland travel.

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

Government policy is determined by President Da Costa, in consultation with his key cabinet and security officials. The leadership uses the single political party to consolidate its rule at the local levels and to assist in selecting candidates for the Popular Assembly. In the 1985 elections to the Popular Assembly, persons at local levels were allowed, even encouraged, to speak out and to give their opinions on various government policies. In many districts, the voters rejected the official party candidate in favor of another candidate. There are small exile groups in Portugal and Gabon. Internal security is reinforced by Angolan troops.

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

The extent to which the Government is cognizant of or influenced by international human rights organizations is not known. Amnesty International did not have an entry on Sao Tome in its 1985 Report. Several persons cited by Amnesty International in its 1984 Report have been released, including Albertino Neto, the former Chief of the Armed Forces, who was imprisoned from 1977 until July 1983, when he was one of nine detainees who were amnestied. Freedom House rated Sao Tome "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Sao Tome's population of 105,000 is growing at the rate of 2 percent annually. The country's per capita gross domestic product, which had been estimated as high as \$450 in the late 1970's, is believed to have dropped to about \$364 by 1983 as a result of the steady deterioration of the economy, due largely to the decline in value and volume of cocoa exports.

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The country is dependent on imported foodstuffs for a varied diet, and the lack of foreign exchange in recent years has caused shortages of many staple foods and consumer products. Malnutrition was emerging as a problem, but large amounts of international food assistance sent to Sao Tome in 1984 have alleviated the situation.

The Government has made a major effort to improve social and educational services reportedly including free basic medical care. In 1985, life expectancy at birth was 66 years, and infant mortality was 64 per 1,000 live births. Approximately 80 percent of the population has access to potable water. Adult literacy is about 43 percent. The primary school enrollment ratio for 1982 was 111 percent, (male children 112 percent and female 108 percent). There is also an active adult evening education program.

Legislation requires that a minimum wage of approximately \$65 per month be paid to workers. A legal minimum employment age of 18 years is apparently observed in practice. Basic occupational health and safety standards are established in the Social Security Law of 1979. Members of the island's small educated class appear to enjoy advantages in government employment possibilities.

Women have constitutional guarantees of equality, and several are active in public life. One senior official, the Minister of Education and Culture, is a woman, as is the President of the Popular Assembly. There are at least two female members of the central committee of the party. Cultural factors, rather than legal or political restraints, limit the actual participation of women in government.

The Sao Tome population is relatively homogeneous, and there have been no reports of policy discrimination on a tribal, regional, sexual, or religious basis among Sao Tomean citizens. As energetic outsiders, Cape Verdeans in Sao Tome do suffer some informal discrimination.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: SAO TOME AND PRINCIPE

	1983	1984	1985
I.ECON. ASSIST.-TOTAL...	0.2	1.0	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.2	1.0	0.1
A.AID	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.2	1.0	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.2	1.0	0.1
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN \$-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.2	1.0	0.1
E.RELIEF.EC.DEV & WFP.	0.2	0.5	0.1
VOL.RELIEF AGENCY.....	0.0	0.5	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	0.2	1.0	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.2	1.0	0.1
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0
ASSISTANCE FROM INTERNATIONAL AGENCIES			
	1983	1984	1985
TOTAL.....	0.3	0.3	8.1
IBRD.....	0.0	0.0	0.0
IFC.....	0.0	0.0	0.0
IDA.....	0.0	0.0	5.0
IDB.....	0.0	0.0	0.0
ADB.....	0.0	0.0	0.0
AFDB.....	0.0	0.2	3.1
UNDP.....	0.3	0.1	0.0
OTHER-UN.....	0.0	0.0	0.0
EEC.....	0.0	0.0	0.0
			1946-85
TOTAL.....			19.3
IBRD.....			0.0
IFC.....			0.0
IDA.....			5.0
IDB.....			0.0
ADB.....			0.0
AFDB.....			12.0
UNDP.....			1.9
OTHER-UN.....			0.4
EEC.....			0.0

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Senegal is a Republic with a democratically elected President and a unicameral Parliament. After acceding automatically to the presidency in January 1981, when former President Leopold Senghor retired, Abdou Diouf was elected in his own right in freely contested elections in February 1983. A new Parliament was elected at the same time with President Diouf's Socialist Party winning 111 of the 120 seats. Senegal has longstanding democratic traditions which predate independence, and there is wide public interest in, and debate on, political matters. While the Socialist Party has dominated the political scene since independence from France in 1960, Senegal is a true multiparty state and has 16 legal political parties.

The Senegalese military has a reputation as an apolitical and professional organization, respected by the population. The civilian security forces are generally well-trained and disciplined and respect the laws they enforce.

Although the Senegalese Government describes the nation's economy as Socialist--and the Socialist Party is a member of the Socialist International--the private sector is important and growing. Economic concerns grew again in 1985 as the Government began to implement a series of policies--raising prices while keeping wages down--aimed at reducing deficits and subsidies.

Long and short-term trends in the human rights context remain positive. The legal system is active and effective in protecting human rights. Concerns about the fairness of the political system are regularly raised by opposition party leaders, but on the whole the system works well. The growth of Islamic fundamentalism and the increase in the crime rate due to economic pressures remain worrisome because of their potential impact on human rights. There were no credible reports of major human rights violations in 1985, but an editor of an opposition newspaper was arrested on charges of defamation of the President. The Government continues to support the work of Dakar-based human rights organizations in Africa.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There is no evidence of any killings at government instigation or for political motives.

b. Disappearance

There have been no reports of abduction of individuals by official, quasi-official, opposition, or vigilante groups.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Government officials in Senegal generally respect the constitutional theme that the person is sacred and they adhere to the section of the criminal code prohibiting physical abuse. There have been, however, instances reported of the

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use of force by lower level police officials in the interrogation of suspected criminals. In its 1985 report, Amnesty International noted that it had received information suggesting a number of those arrested in late 1983, following the Casamance separatist riots, had been subjected to torture, including severe beatings and electrical shocks. Prison conditions are crowded and food is little above the subsistence level. Harsh prison conditions are to some extent alleviated by the access to prisoners by clerics, friends, and families, who are permitted to provide food and amenities.

d. Arbitrary Arrest, Detention, or Exile

The constitutional prohibition against arbitrary arrest or detention is respected in practice. Persons are not detained, punished, or tried for the expression of views critical of or different from those of the Government. However, preventive detention is permitted when civil authorities determine that there is a threat of civil disturbance or the person is a danger to himself or others. Amnesty International in its 1985 report expressed concern about the prolonged pretrial detention of people arrested in connection with the autonomist movement in Casamance. The Senegalese legal system is patterned after the French system and does not include habeas corpus. A person suspected of a crime may be legally held without charge for 48 hours after arrest or up to 72 hours if ordered by a public prosecutor. The limitations of this provision of law are in almost all cases respected, and charges are formally and clearly drawn. By law, every citizen has access to legal counsel of his choice in every aspect of legal procedure. In practice, persons with means will have private legal counsel, and the law makes provisions for public defenders for those without funds. There is no forced or compulsory labor in Senegal.

e. Denial of Fair Public Trial

Senegal has an active, independent, and well-trained judiciary, which is constitutionally independent of the executive, the legislature, and the military. Court officials are trained lawyers who have completed a number of years of required apprenticeship. Trials are open to the public, and defendants have the right to a defense counsel, many of whom are very skilled and aggressive in the protection of their clients. Ordinary courts hold hearings which are presided over by a panel of judges and, in the case of criminal charges, include a jury. There are three categories of courts: the High Court of Justice, the security ("political") court, and the military courts.

The High Court of Justice was created for the sole purpose of trying high government officials for treason or malfeasance. This Court has not been convened since the early 1970's. The security (or "political") court consists of a judge and two assessors. It has jurisdiction over cases referred to it by the Government when it is suspected that a crime has been committed for a political motive. The security court has not been active since 1984 when it met to hear cases arising out of a series of separatist riots in the Casamance region.

The military court system has jurisdiction over offenses committed by members of the armed forces during peacetime (in wartime, courts martial could be convened). Civilians may not be tried by military courts.

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f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Senegalese bureaucracy, patterned after the French system, is highly centralized and requires of Senegalese citizens a fairly extensive array of documentation for purposes of education, obtaining social security benefits, etc. The intent, however, is not coercive and there is otherwise little government interference in the private lives of Senegalese citizens. There is no coercion to join a particular political party or to participate in political demonstrations. A wide variety of political expression is possible and is not subject to restrictions other than those relating to public order. There is no evident pattern of monitoring the private written or oral correspondence of Senegalese citizens. Foreign publications are not banned or censored. There are inviolable constitutional and legal safeguards against arbitrary invasion of the home. Search warrants are required and may be issued only by judges and in accordance with procedures established by law. There is no evidence that public security forces have violated the law in this regard.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Senegal enjoys freedom of speech and press in theory and in practice. The Constitution guarantees the right of each person to express and disseminate opinions freely. There are several regularly published newspapers and magazines and a number of publications which appear sporadically, reflecting a broad range of opinion from conservative to Marxist. The country's most professional and informative newspaper is controlled by, and supports, the majority Socialist Party. However, articles critical of government policies and officials regularly appear even in this newspaper.

In August 1985, the editor of an opposition publication was arrested and charged with defamation of the chief of state and the Government after his magazine published an article accusing members of the President's family and entourage of corruption. Opposition leaders described this as an attempt to muzzle the media. Other publications, representing other viewpoints, are sometimes vociferously critical of the Government.

Academic freedom is enjoyed without hindrance by the schools and the country's sole university. Television and radio stations are owned by the Government, but coverage is regularly given to the activities of all political parties.

b. Freedom of Peaceful Assembly and Association

Senegalese freely and frequently exercise their constitutional right of assembly. Prior authorization for public demonstration is required. Demonstrations or protest meetings against government policies are closely monitored by the security services. In August 1985, the Government refused permission for a protest march organized by the opposition parties, not because it objected to the march (which was to criticize apartheid), but because the Government believed the timing and route of the planned demonstration were calculated to cause the maximum disruption to normal business and traffic in downtown Dakar. When a few opposition supporters assembled

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at the scheduled time and place, police quickly moved in, dispersed the group, and arrested several opposition leaders, including two National Assembly deputies. They were charged with holding an unauthorized demonstration. When the case came to trial, the magistrate dismissed it, saying that the police had moved so quickly that no demonstration had ever started. In October, the Government again refused authorization for a demonstration by the same group of opposition parties, because it allegedly posed a threat to public safety.

Workers have the right of association and the right to organize and bargain collectively and strike if negotiations are unsuccessful. The major trade union confederation, the National Confederation of Senegalese Workers (CNTS), is affiliated with the ruling Socialist Party. There are also small independent trade unions which are important to the society and economy of Senegal. Less than 25 percent of the labor force is unionized. The CNTS is entitled by law to ministerial posts, but rather than fill them itself has chosen to retain the right to veto the President's nominations. In the past, the Government has used its connection with the Confederation as a useful means of informing workers of government policies, gaining better understanding of worker grievances, and ensuring that strikes are legal and called only over significant grievances. A wildcat strike by a nonaffiliated union of transport drivers reduced traffic in Dakar considerably for a few days during September. The leader of the union was sentenced to a year in jail for leading the strike. In that instance, as in most union activities in Senegal, economic and work-related issues are the principal concerns. The International Labor Organization maintains a regional office in Senegal.

c. Freedom of Religion

Senegal is constitutionally a secular state, and freedom of religion is a legal right which exists in fact. Islam is the religion of over 85 percent of the population. Other religions, primarily Catholicism, are freely practiced. Missionary activity is permitted, and foreign Protestant missionaries are active in several regions of the country. Conversion is permitted; there is no discrimination against minority religions; and adherence to a particular religion confers neither advantage nor disadvantage in civil, political, economic, military, or other sectors.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

The Senegalese Constitution states that all citizens have the right to move and establish themselves freely anywhere in Senegal, a right that is respected in practice. In 1981, the Government abolished a requirement for exit visas to travel outside the country. There is no restriction on emigration, nor are there sanctions, official or otherwise, against intending emigrants. Repatriates are not officially disadvantaged on return to Senegal.

Senegal is host to 5,140 recognized and assisted refugees. Prior to the April 3, 1984 coup in Guinea, there were an estimated 500,000-600,000 Guineans in Senegal most of whom were not recognized as refugees. Most appear to have returned to Guinea. There is a regional office of the United Nations

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High Commissioner for Refugees (UNHCR) office in Dakar. Senegal continues to make places available for refugee students from other countries at the University of Dakar and other educational institutions. There are no known cases of forcible repatriation by the Senegalese Government.

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

Senegal is a functioning multiparty democracy. There are currently 16 legally registered parties, ranging from conservative to Trotskyite. Presidential and parliamentary elections were last held in February 1983, with rural and municipal elections in November 1984. While there has been a long tradition of democracy in Senegal, political life throughout the post-independence period has been dominated by the Socialist Party, which won the presidency and 111 of the 120 seats in the National Assembly in the 1983 elections. There were some complaints at that time, and again during rural and municipal elections, that voting irregularities had favored the Socialist Party. While the consensus was that the voting was on the whole free and fair, the largest opposition party, with eight seats in the assembly, maintains that the lack of stricter controls on vote identification and voting sites made some of the results questionable.

Senegal has universal suffrage. Women are active participants in the political process, and several parties, including the dominant Socialist Party, have sections promoting women's rights. Twelve women are deputies in the National Assembly and there are four women in President Diouf's cabinet. In addition, a number of government ministries employ women in key positions, i.e., the Political Director in the Ministry of Foreign Affairs. In other ministries key agronomists, statisticians, and economists are women.

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

Senegal is a leader among African countries in the establishment and promotion of international standards for human rights practices. Senegal was the original sponsor of the Human Rights Charter of the Organization of African Unity, and is also an active member of the Human Rights Commission. Dakar is the headquarters of the African Bar Association's Institute of Human Rights, an organization which trains lawyers and judges in translating general human rights principles into practical legal and judicial procedures. A number of Senegalese are prominent in African and international human rights activities. Senegal maintains a dialogue with organizations such as Amnesty International, which was noted in Amnesty International's 1985 report (see also sections 1c and 1d above). Freedom House rates Senegal "partly free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Senegal, whose population of 6.8 million is growing at the high rate of 3.3 percent each year, has suffered significant economic reverses during the past few years. The quality of life has been affected by poor performance in the agricultural sector, which provides a livelihood for about 70 percent of

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Senegal's population. Per capita GNP reached \$486 in 1982, but dropped to \$440 in 1983.

The decline in the local currency's value against the dollar during the past three years has directly affected the economy, despite only modest trade linkages with the United States. Approximately 40 percent of Senegal's foreign debt and all of its oil and gas purchases are denominated in dollars. Payments on external debt and the energy import bill consumed almost all foreign currency and earnings accumulated in recent years. On the positive side, the rains were exceptionally good in 1985, the best since 1973, thus ending 2 years of drought which had severely reduced yields of groundnuts (peanuts), Senegal's traditional major cash crop and foreign exchange earner.

Health conditions have improved over the past decade. Senegal provided 97 percent of caloric requirements per capita in 1977, and probably held this level in 1985, despite two years of drought, in part through a continuing influx of foreign food and assistance. Nearly half of Senegal's population now has access to safe water. The number of physicians and nursing personnel per 100,000 population has doubled since 1960. Infant mortality has declined from 150 per 1,000 live births in 1972 to 101.6 in 1985. Life expectancy at birth has risen from an estimated 40 years in 1969 to nearly 47 years in 1985. These improvements are particularly marked in the urban centers to which there is a steady migration of people from the rural areas. The Government is continuing its efforts to increase enrollment in primary and secondary schools and to find employment for graduates. Almost 58 percent of primary school-aged males and 38 percent of females in the same age group are presently enrolled in primary education, and approximately 12 percent of secondary school-aged minors attend school. Adult literacy remains low (estimated at 5-10 percent), however, especially in the rural areas.

While there are industry-wide statutes on the minimum age for employment of children, the economic situation in Senegal has created an environment wherein a substantial number of underage workers are employed, particularly in cottage industry. Through collective bargaining, principally by the National Confederation of Senegalese Workers, there are legal guidelines for occupational safety and health, minimum wages, and limits on working hours.

Traditional values, both societal and religious (chiefly Islamic), have limited women's access to certain types of employment and higher education. There are, however, no legal hindrances to advancement for women and, as noted, they are present in respectable numbers in the governmental and private sectors. Women, including several professors at the University of Dakar, are prominent among Senegal's intellectual elite. Senegal also has several active organizations promoting women's rights, including the Federation of Women's Rights which held a two-week conference in March 1984. The Federation has ties to a number of women's groups in Africa and, since 1979, has been a sister organization of the National Council of Negro Women in the United States.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: SENEGAL

	1983	1984	1985
I.ECON. ASSIST.-TOTAL...	33.1	51.2	50.4
LOANS.....	7.0	0.0	0.0
GRANTS.....	26.1	51.2	50.4
A.AID	19.1	34.6	44.4
LOANS.....	0.0	0.0	0.0
GRANTS.....	19.1	34.6	44.4
(SEC.SUPP.ASSIST.)...	5.0	10.0	15.0
B.FOOD FOR PEACE.....	12.2	14.7	6.0
LOANS.....	7.0	0.0	0.0
GRANTS.....	5.2	14.7	6.0
TITLE I-TOTAL.....	7.0	0.0	0.0
REPAY. IN \$-LOANS.....	7.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	5.2	14.7	6.0
E.RELIEF.EC.DEV & WFP.	0.3	9.3	2.0
VOL.RELIEF AGENCY.....	4.9	5.4	4.0
C.OTHER ECON. ASSIST...	1.8	1.9	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.8	1.9	0.0
PEACE CORPS.....	1.3	1.9	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.4	2.5	3.5
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.4	2.5	3.5
A.MAP GRANTS.....	0.0	2.0	3.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.4	0.5	0.5
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	33.5	53.7	53.9
LOANS.....	7.0	0.0	0.0
GRANTS.....	26.5	53.7	53.9
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1983	1984	1985	1946-85
TOTAL.....	63.9	79.6	37.5	904.1
IBRD	0.0	0.0	0.0	158.9
IFC	0.0	3.2	0.0	36.0
IDA	32.2	62.1	24.0	372.6
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	12.8	13.0	13.5	73.0
UNDP	6.7	1.3	0.0	43.6
OTHER-UN	1.2	0.0	0.0	7.4
EEC	11.0	0.0	0.0	212.6

SEYCHELLES

The Government of Seychelles is led by President France Albert Rene, who took power in June 1977 in a military coup d'etat and forced into exile a number of former leaders, including ex-prime minister James Mancham. In 1979 a new Constitution was promulgated which formally abolished all political opposition to the Socialist ruling party, the Seychelles Peoples' Progressive Front (SPPF). This Constitution provides for a strong presidential executive, who appoints ministers, and a People's Assembly of 23 selected members and several appointed members. The 1985 changes in the constitution of the SPPF brought greater consolidation of power in the hands of President Rene.

Since the 1977 coup, the Government has faced numerous security threats from opponents living in Australia, the United Kingdom, and South Africa, and it had to call on the assistance of Tanzanian troops to put down an internal mutiny by some members of the armed forces in 1982. While all Tanzanian troops were withdrawn by mutual agreement in 1984, some North Korean military advisors remain in Seychelles to train the small (about 1,000 persons) Seychelles Defense Forces. The Seychelles also has a uniformed police force of 500, and a People's Militia of about 2,000.

The Seychelles economy relies predominantly on tourism for foreign exchange. The tourism industry, which fell dramatically in the early 1980's has now revived, and some 75,000 foreigners visited the country during 1985. The Seychelles Government has actively sought to diversify the economy by granting fishing licenses to French, Spanish, Korean, and Japanese trawlers and by expanding the fishing port in Victoria through donor assistance. Fishing, if fully developed, could replace tourism as the largest earner of foreign exchange by the end of the decade.

There was no marked change in the Seychelles' human rights situation during 1985. The Constitution does not guarantee fundamental human rights but rather states them in a preamble as the intention of the people of Seychelles. At the party conference in 1985, the President reaffirmed his determination to put down opposition elements, and the Government continued to use exile as a means of suppressing dissent. On the positive side, the President reaffirmed his commitment to freedom of religion and promised that the Government would neither interfere in church affairs nor restrict the right of religious groups to speak out including through their influential media outlets.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There were no reported instances of any domestic killing for political motives or other instances of arbitrary deprivation of life in 1985. It has been alleged however, that Gerard Hoarau, leader of the London-based Seychelles National Movement, might have been assassinated by government agents in London in December.

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b. Disappearance

There were no reports of other disappearances during 1985. Two persons who disappeared in 1984 have not been found. Amnesty International noted in its 1985 Report that it has received allegations that these persons were abducted and killed by government security agents. President Rene has denied these allegations. Amnesty International has also written to the President regarding five other cases since 1977 in which people either disappeared or died in apparent accidents.

c. Torture and Cruel, Inhuman or Degrading Treatment or Punishment

The Constitution explicitly forbids torture and there have been no recent reports that torture has been practiced. There have been some isolated reports of rough treatment by police. Prison conditions are satisfactory. Prisoners are well fed and supervised by professional wardens. Prisoners are normally incarcerated on isolated islands, but family visits are routinely arranged.

d. Arbitrary Arrest, Detention, or Exile

At the end of 1985, nine persons were reported under detention, held under the provisions of the Public Security (Detention) Act, which allows indefinite detention upon order of the President. This Detention Act, enacted in December 1981 following an attack by mercenaries, was used, for example, to arrest 41 persons in 1984 for unlawful assembly. In October 1984, 38 of the detainees were fined and released, but the remaining 3 are still held in detention. Moreover, police have not hesitated to take persons into custody and keep them overnight for "questioning" in regard to suspected antigovernment activities. In particular, persons who seek to mobilize public opinion against the Government run a serious risk of being arrested for "questioning." Some who have worked for the Government have been fired without recourse to appeal or review. Others have faced social and economic harassment and received direct or anonymous threats which they believe originate from government officials as signals to leave the country. Frequently, opponents of the Government have been urged to emigrate, an option that many have chosen over the years.

There is a prohibition against the use of forced or compulsory labor, and such practices have not been employed in Seychelles. There is, however, National Youth Service (NYS) for all persons 14 to 16, which has elements of military training and discipline, as well as academic study.

e. Denial of Fair Public Trial

Defendants in nonpolitical cases (both civil and criminal) have access to counsel and have enjoyed speedy and fair trials. Right to trial is patterned in large measure on English common law, although there is also a heavy influence of Napoleonic customary law. Judges are provided under arrangements with the British Commonwealth and, except for security cases, they have exhibited considerable independence from both the executive and legislative branches of the Government. The Chief Justice, who is appointed by the President, stressed in two addresses during 1984 that it is

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the judiciary's responsibility to impose sentences as required by law and that it should reflect the will of the people as expressed in laws passed by the legislature. Seychelles' law requires that member of the armed forces be tried by courts-martial unless the President decrees otherwise.

Amnesty International is investigating the case of Royce Dias in order to ascertain whether he is a prisoner of conscience, notwithstanding his conviction for a criminal offense. Dias' 7 year sentence for possession of drugs was recently reduced by the Appeals Court to five years.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The authorities have broad powers of search and seizure without need of a warrant. The Seychelles Marketing Board Act, passed in 1984, allows police to enter any premises, private or public, and seize any documents which they believe may violate this Act. Legislation exists which allows the Government to open mail, domestic as well as international, and it is widely believed that the Government does so. The party conference in 1985 adopted a resolution which supported President Rene's efforts to quell opposition elements "by whatever ways and means he deems suitable." Since June 1983 the Government has embarked on a campaign to nationalize private land, ostensibly to claim unused agricultural land. There have been four seizures of hotels, as well as private residences and at least one foreign-owned corporation. Although the Government has stated that compensation will be paid, negotiations with previous owners are continuing.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Although theoretically protected under the Constitution of 1979, freedom of speech in public is exercised sparingly.

The Government controls the major newspaper in the country, as well as all radio and TV broadcasting. Legislation provides for up to 3 years' detention for anyone "who with intent to bring the President into hatred, ridicule or contempt, publishes any defamatory or insulting matter whether in writing, print or word of mouth or in any other manner." This same Act authorized a 2-year sentence for anyone who "prints, supplies, distributes, reproduces, or has in his possession or control" any publication banned by the Government for security reasons. No charges are known to have been brought under this Act. The Government has sought to prevent the importation of pamphlets printed by its opposition abroad.

Despite the restrictions, there has been an improvement in the situation since the President's 1984 speech in which he promised not to interfere with the church's right to speak out against the Government. The Catholic church publishes a lively paper, Echo des Isles, which is not subject to Government control or censorship. This paper continues to publish some articles which obliquely criticize the Government. The two largest religious denominations in the country, the Roman Catholic and Anglican churches, are each provided 2 free hours per month of uncensored broadcasting. Both churches have taken advantage of the monthly broadcast to comment on social and political issues. Seychelles has

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granted a license for many years to a Protestant radio station which broadcasts religious programs throughout Asia and Africa. Foreign broadcasts are widely listened to, and foreign publications, including those critical of the Government, have been imported and sold without hindrance.

b. Freedom of Peaceful Assembly and Association

A law dating from 1959 inhibits the right of peaceful assembly without government permit. The Government has been quick in moving against unauthorized demonstrations and has made arrest under an ex-British colonial law which prohibits unlawful assembly (i.e. without a government permit). All associations, clubs, and other organizations require government permission to organize.

There is one legal union (the National Workers Union) which is under direct control of the ruling party. It does not function as a free trade union, although it plays an advisory role for workers and seeks better working conditions for its members. Changes adopted at the party conference in 1985 further restricted the election of labor union officials who, in the future will be appointed by the Government. A 1983 law restricts an employer from dismissing workers. There has been no official strike in Seychelles since 1977.

c. Freedom of Religion

There has been no religious persecution in Seychelles, and church services are widely attended. The Roman Catholic and Anglican churches have flourished, and Muslims and Hindus are unrestricted in their religious practices. There is a clear separation between church and state. Religious instruction in schools has been limited. The Government has addressed the churches' complaint that artificial impediments have made it difficult, if not impossible, for children (ages 14-17) in the National Youth Service (NYS) to attend church on a weekly basis, by allowing services to be held at NYS Camps. As recently as 1984, the President publicly reiterated his support for religion and said there would be no government interference in the right of people to worship.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on internal travel. Passports may be acquired by virtually any citizen, although Seychellois traveling abroad for study at Government expense are required to sign a bond which enables the Government to recoup the cost of their education should they fail to return. Such persons who are "bonded" must have government permission to travel abroad following their return. In 1984, the Government granted a passport to a suspected dissident who wished to emigrate to the United States. There are no restrictions on voluntary repatriation for those who are willing to accept the present one-party political system.

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

There is no possibility of citizens changing their government through democratic means. Since 1979 there has been only one legal political party, the Seychelles People's Progressive Front (SPPF). All political and much social activity is

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channeled through this institution. President Rene, both as President of the country and as Secretary General of the party, wields great power and influence. Opponents of the party can neither organize nor express public opposition. The party has a number of regional offices called "branches" which are responsible for organizing and supervising discussion about current government policies and for reporting on public opinion in their regions.

The Government remains the largest employer in the country. Some persons who are believed by the Government to oppose official policies have found it difficult to gain employment.

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

Amnesty International is investigating alleged human rights violations in the Seychelles. Requests for information are sent to the Chief Justice of the Supreme Court, who acts as an interlocutor between human rights groups, such as Amnesty International, and the Seychelles Government. It is reported that all such inquiries have been answered and that inquiries have led to the release of some detainees. In addition to its concerns mentioned in 1b, Amnesty International in its 1985 Report, was concerned because suspected opponents of the Government, including prisoners of conscience, were held under legislation providing indefinite detention without trial. Freedom House rated Seychelles "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Seychelles' population of 65,245 enjoys a relatively high standard of living for an underdeveloped country, with a per capita gross domestic product of \$2,300 (1983). The population growth rate is currently estimated at only 0.8 percent annually. The Seychelles economy remains largely dependent on tourism, which has increased markedly in 1984 and 1985. Nutrition requirements of most Seychellois are easily met as an abundance of food is available throughout the country. Seychelles has the highest per capita consumption of fish in the world. Local diets are amply supplemented by a variety of fresh fruits and vegetables. Unemployment remains a serious problem, although the Government has emphasized development plans which are extremely labor intensive. A "full employment scheme" also provides manual employment for anyone who desires to work for fair compensation.

Free health services of a high standard are available to all persons. Infant mortality is 13.8 per 1,000 live births, one of the lowest rates in Africa, and life expectancy at birth, estimated at 66 years for men and 73 years for women, approaches that found in many Western European countries. Free education is available for all children and, in the case of academically qualified students, a minimum of 13 years' education is provided by the State. Recent changes in the National Youth Service (NYS), a 2 year program which is virtually compulsory for all children ages 14 to 16, have reflected an emphasis on the importance of academic training. Children in NYS are now granted one weekend leave per month, in part to dampen parental concern that the influence of the family was being diminished in the program.

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Labor laws have not yet been promulgated, but written guidelines published in 1980 establish the minimum working age at 14. The guidelines cover leave, dismissal, overtime, minimum wages, reports of service injury or death, and salary deductions. According to officials of the National Workers Union, occupational safety and health conditions are a part of the union's inspection program.

Women enjoy high status in this essentially matriarchal society. Women have the same legal, political, economic, and social rights as men. Although there are no women currently serving in the Council of Ministers, two women are serving as central committee members of the party. Many senior government officials, up to and including the rank of principal secretary, are women.

U.S. OVERSEAS - LOANS AND GRANTS - OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S. FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: SEYCHELLES

	1983	1984	1985	
I. ECON. ASSIST.-TOTAL...	2.4	2.5	2.5	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	2.4	2.5	2.5	
A. AID	2.0	2.0	2.2	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	2.0	2.0	2.2	
(SEC. SUPP. ASSIST.)...	2.0	2.0	2.0	
B. FOOD FOR PEACE.....	0.3	0.3	0.3	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.3	0.3	0.3	
TITLE I-TOTAL.....	0.0	0.0	0.0	
REPAY. IN \$-LOANS.....	0.0	0.0	0.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	0.3	0.3	0.3	
E. RELIEF, EC. DEV & WFP.	0.0	0.0	0.0	
VOL. RELIEF AGENCY.....	0.3	0.3	0.3	
C. OTHER ECON. ASSIST....	0.1	0.2	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.1	0.2	0.0	
PEACE CORPS.....	0.1	0.2	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II. MIL. ASSIST.-TOTAL...	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
A. MAP GRANTS.....	0.0	0.0	0.0	
B. CREDIT FINANCING....	0.0	0.0	0.0	
C. INTL MIL. ED. TRNG....	0.0	0.0	0.0	
D. TRAN-EXCESS STOCK....	0.0	0.0	0.0	
E. OTHER GRANTS.....	0.0	0.0	0.0	
III. TOTAL ECON. & MIL....	2.4	2.5	2.5	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	2.4	2.5	2.5	
OTHER US LOANS.....	0.0	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	0.0	0.0	
ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	1946-85
TOTAL.....	0.0	8.3	12.2	43.7
IBRD	0.0	0.0	6.2	6.2
IFC	0.0	0.0	0.0	0.0
IDA	0.0	0.0	0.0	0.0
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	8.0	6.0	34.2
UNDP	0.0	0.2	0.0	2.8
OTHER-UN	0.0	0.1	0.0	0.5
EEC	0.0	0.0	0.0	0.0

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Sierra Leone has a one-party system of government in which the President is the predominant executive authority. The term of President Siaka Probyn Stevens, who first assumed executive power in 1968 following two military coups, expired in 1985 under the 1978 Constitution, and Stevens handpicked military force commander Major General Joseph Saidu Momoh as his successor. In a national referendum October 1, 1985, Momoh became President-elect. Authority was transferred to him in a ceremony on November 28, 1985. A Cabinet, selected by the President from elected as well as appointed members of Parliament, meets with the President regularly and has influence on the President's decisionmaking. Sierra Leone's unicameral Parliament usually takes its direction from the executive. The government security structure, which includes the police, the military forces, and the special security division used primarily for presidential protection, does not generally interfere with the rights of individuals, although certain army units were criticized in 1985 for trying to force merchants on occasion to sell rice at fixed government prices only.

Sierra Leone is considered by the U.N. to be among the least developed countries. About 70 percent of its 3.9 million population is engaged in agriculture, mainly at the subsistence level. The Constitution recognizes the right to own private property. Most of the modern sector of the economy is privately owned. There is also government ownership in certain key sectors, particularly mining and transportation.

Human rights in Sierra Leone during 1985 were basically respected, and the ongoing peaceful transition of executive authority was a positive element. The eight privately-owned newspapers enjoy considerable though not complete freedom, and articles on sensitive political and economic topics, including investigative reporting into government shortcomings, have been published. The judiciary generally maintains its independence from the executive and has been reasonably effective in protecting legal rights, although there are continuing allegations that some court officials are subject to political manipulation or bribery. For the first time, members of the Sierra Leone Bar Association organized a society for the preservation of human rights and held a well-attended inaugural seminar July 12.

RESPECT FOR HUMAN RIGHTS**Section 1 Respect for the Integrity of the Person, Including Freedom from:****a. Political Killing**

There were no reports of political killings in 1985.

b. Disappearance

There were no reports of abduction of individuals by the Government or hostage taking by nongovernmental groups.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There have been no specific reports of torture. However, harsh physical treatment of prisoners by police is probably common, and attorneys occasionally have been shown bruises and other

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marks of violence on detainees' bodies that attorneys believe could have been caused by police beatings. There is dangerous overcrowding of the prisons, and stories have appeared in the local press deploring prison conditions. Prison deaths due to malnutrition, pneumonia, diarrhea, and gastroenteritis are said by journalists and lawyers to be common.

d. Arbitrary Arrest, Detention, or Exile

Habeas corpus is part of Sierra Leone common law and generally observed in practice. It is widely believed in Sierra Leone legal circles that as a form of harassment persons are picked up by the police and held for short periods without charge before being released. Under the Constitution, the President may take measures to detain any person who is, or is reasonably suspected to be, dangerous to the well-being of the Republic. Writs of habeas corpus granted by the court during a state of emergency would not extend to suspects detained pursuant to an order under the Public Emergency Act. A state of emergency must come into force within 28 days after the detention, or a detainee not charged with an offense must be released. There is no one currently detained under Public Emergency regulations.

Following violence in the Pujehun district in late 1983, the army detained from 100 to 150 persons in its efforts to restore order. While a state of emergency was not declared, some detainees were held for considerable periods before criminal charges were filed. In mid-1984, most of those originally detained were released or charged with various criminal offenses. However, press reports in 1984 and 1985 have suggested that between 10 and 20 of those detained ultimately died of malnutrition while still in prison. Several individuals originally detained in the Pujehun incident and charged with serious criminal offenses, including murder, still have not been brought to trial. While some in legal circles contend that the complexity of the legal cases and the overburdened legal system account for the delay, other observers claim that political pressure from the Government is responsible for the judicial lethargy.

Exile is not practiced, nor is forced labor.

e. Denial of Fair Public Trial

The judiciary has generally maintained its independence from the Government, although some critics charge that the legal system is increasingly subject to political manipulation, often before cases reach the courts. The 1978 Constitution gives the President power to retire Judges after age 55. This controversial provision was used most recently by President Stevens in mid-November to retire Chief Justice Ebenezer Livesey Luke. Luke's predecessor was retired by the same provision. This surprise move against Luke provoked considerable public criticism, particularly among the local legal community. Sierra Leone's courts have a reputation for providing fair public trials. Defendants are allowed counsel of their choice, and convictions may be appealed. However, many poor defendants cannot afford counsel, and a public defender is provided only in capital offense cases. Persons detained under the Public Emergency Act are not guaranteed a hearing unless charged with a capital offense. There are no political prisoners, although informed observers suspect that some of the individuals sentenced for criminal activity in the 1983 Pujehun incident were originally held for political reasons.

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f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Legal safeguards against arbitrary invasion of the home are generally observed. Rights of the individual are not abused by the state. Censorship of mail and electronic eavesdropping by the state on private conversations through wiretaps have not been reported. Some organizations have claimed that informers report to the Government on their activities.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Although freedom of speech is legally guaranteed, this can be abridged under the Constitution if the proper functioning of the Government is deemed to be in jeopardy. In practice, the Government generally tolerates public criticism of individual citizens, and academic freedom is fully respected. However, since 1978 no opposition party has been permitted, and there have been no reports of opposition groups inside Sierra Leone attempting publicly to criticize the party or Government. Political propaganda occasionally circulates clandestinely within the country from opposition groups based in Western Europe or the United States.

There is in practice considerable press freedom and no prior press censorship in Sierra Leone. Newspapers report on sensitive political topics such as misuse of government funds, bribery, and bureaucratic indiscipline. The Government, in the person of the President or Minister of Information, regularly issues press releases stating that there is no press censorship, but usually adds that critics should be fair and place events in the context of the development process. President-elect Joseph Saidu Momoh met the press the day after his nomination August 2 and, while reaffirming his support for freedom of the press, warned that press freedom must not lead to excessive criticism of the country. The Government thus expects journalists to exercise some self-censorship. Most editors avoid publishing articles portraying the country in a critical light or attacking the personality of the head of state. This approach is embedded in the Newspaper Act of 1983, which set qualification standards for editors and a fee for registration of newspapers.

In 1985, two journalists were imprisoned for contempt, and the editor of an independent newspaper, For Di People, was imprisoned for over 70 days without charge or due process after publishing an article on the excesses of the special security division.

b. Freedom of Peaceful Assembly and Association

The Constitution guarantees the rights of freedom of assembly and of forming or belonging to trade unions or other economic, social, or professional associations. However, it places limits on these rights, most significantly where assembly or association would conflict with the "proper functioning of the party" or public order. In practice, freedom of association in the nonpolitical sphere is respected.

Trade unions normally operate freely and exercise the right to organize, to negotiate, to strike against employers, and to join in confederations and affiliate with international

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organizations. When trade union activities publicly challenged government policy in 1981, the Government arrested approximately 180 union members. Late in 1982, the Labor Congress was allowed to elect a new executive committee. It is now functioning independently of the Government and most sectors of the Sierra Leone economy, except agriculture, are unionized. The Labor Congress is a member of the democratic International Confederation of Free Trade Unions.

Private associations of citizens can and do make representations to the Government on policy issues and are not subject to reprisals.

c. Freedom of Religion

There is a tradition of religious tolerance in Sierra Leone. Muslims (the most numerous religious group), Christians, animists and adherents of other faiths practice their religions freely and publish their religious documents without government interference. The state is nonsectarian and does not discriminate on the basis of religious belief.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The only official restriction on travel within the country is in diamond mining areas and is intended to control smuggling. There are few regulations restricting foreign travel. Sierra Leone, a signatory to the UN Convention and Protocol Relating to the Status of Refugees, is host to approximately 200 refugees, most of whom are students. There have been no reported incidents of forced repatriation.

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

President Stevens remained the dominant authority in Sierra Leone in 1985, although he arranged for his retirement and for his succession by Major General Joseph Momoh. The Parliament, at Stevens' behest, amended the Constitution to allow Momoh to become President without resigning his commission, and in August the single party, the All Peoples' Congress, under the control of Stevens, nominated Momoh as president-elect. Since independence in 1961, the clear trend in political development has been the increase in executive power and the decrease in constitutional checks on that power. The Constitution provides that the leader of the party will be the sole candidate for the office of President. The unicameral Parliament is subservient to the executive branch of the Government. Candidates for Parliament are chosen in each constituency by the party's local executive committee. The executive committee chooses three candidates from the list of citizens who seek nomination. The central committee of the party has the power to disapprove the nomination of any candidate selected by the local executive committees if it believes that candidacy would be inimical to the State. In addition to the national political system, there is also a traditional system which operates in the provinces outside of the urban area. Paramount chiefs are elected for life by the member of the chiefdom council. They have considerable authority in local affairs and in resolving traditional disputes.

There is universal suffrage, and no groups are precluded from voting because of gender, tribe, race, or religion.

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

In 1985, members of the Sierra Leone Bar Association formed a society for the preservation of human rights. The Government did not interfere with the effort nor with the inaugural seminar held July 12 and attended by members of Parliament, judges, medical doctors, academics, civil servants, trade unionists and the media. Local chapters of Amnesty International exist. Amnesty International in its 1985 report expressed concern about reports of ill-treatment of prisoners, in some cases said to have resulted in death. Freedom House terms Sierra Leone "partly free".

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Sierra Leone is a nation of almost 3.9 million with a per capita gross domestic product (GDP) of \$330 a year (1983 figure). From 1970 to 1982, its population growth rate of 2.6 percent per annum exceeded GDP growth, which averaged 2.0 per year. About 70 percent of the population is involved in agriculture, primarily at the subsistence level. Sierra Leone has relied upon the mining sector in general and diamonds in particular for its economic base.

Since 1981, the economic situation has worsened due to depletion of alluvial diamond deposits, rising fuel import bills, and declining world prices for mineral and agricultural exports. Government economic policy and mismanagement have also contributed to the situation as budget deficits have led to high inflation (about 70 percent in 1984). The chronic overvaluation of the leone, despite a major devaluation in February 1985, has accelerated and with it, corruption, smuggling, and black market activities. Low rates of domestic savings and investment have left the country heavily dependent on external assistance for development efforts.

Life expectancy at birth is only 38.5 years (1985 figure) and the infant mortality rate is 195 per 1000 live births. Calorie supply as a percent of basic requirements was estimated in 1977 at 83 percent. Adult literacy is estimated at 15 percent. Primary school enrollment was estimated at 53.1 percent by a 1980 estimate. Access to education for women remains more limited than it is for men. For example, from the group of primary school age girls, only 37 percent are enrolled in primary school; yet this figure indicates that gradual improvement has been made since independence.

There is no minimum age for the employment of children. The work week is defined as 7 hours for 5 weekdays plus 3 1/2 hours on Saturday. There is an established code outlining acceptable conditions of work, but in actual practice in the very limited manufacturing sector of Sierra Leone, maintenance of machinery, safety procedures, and sanitary conditions probably does not conform to the code.

Women in Sierra Leone are guaranteed equal rights by the Constitution, but their status varies substantially in different parts of the country and depends upon the cultural values of various tribal groups. In some areas of Sierra Leone women have been elected to the prestigious position of paramount chief. In the modern sector, women are prominent in some professions, and one woman is a Supreme Court Justice. The political sphere continues to be male-dominated.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: SIERRA LEONE	1983	1984	1985	
I.ECON. ASSIST.-TOTAL...	8.7	8.5	6.0	
LOANS.....	3.6	3.0	4.0	
GRANTS.....	5.1	5.5	2.0	
A.AID	1.0	1.0	0.3	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	1.0	1.0	0.3	
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0	
B.FOOD FOR PEACE.....	4.9	4.6	5.7	
LOANS.....	3.6	3.0	4.0	
GRANTS.....	1.3	1.6	1.7	
TITLE I-TOTAL.....	3.6	3.0	4.0	
REPAY. IN \$-LOANS.....	3.6	3.0	4.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	1.3	1.6	1.7	
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.1	
VOL.RELIEF AGENCY.....	1.3	1.6	1.6	
C.OTHER ECON. ASSIST...	2.8	2.9	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	2.8	2.9	0.0	
PEACE CORPS.....	2.8	2.9	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.1	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.1	
A.MAP GRANTS.....	0.0	0.0	0.0	
B.CREDIT FINANCING....	0.0	0.0	0.0	
C.INTL MIL.ED.TRNG....	0.0	0.0	0.1	
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E.OTHER GRANTS.....	0.0	0.0	0.0	
III.TOTAL ECON. & MIL...	8.7	8.5	6.1	
LOANS.....	3.6	3.0	4.0	
GRANTS.....	5.1	5.5	2.1	
OTHER US LOANS.....	0.0	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	0.0	0.0	
ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	1946-85
TOTAL.....	21.0	22.5	5.6	212.8
IBRD	0.0	0.0	0.0	19.7
IFC	0.0	0.0	0.0	2.1
IDA	20.0	21.5	0.0	119.0
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	1.1	37.5
UNDP	1.0	1.0	0.0	26.8
OTHER-UN	0.0	0.0	4.5	8.7
EEC	0.0	0.0	0.0	0.0

SOMALIA

Somalia has been ruled for the past 16 years by President Mohamed Siad Barre, head of the armed forces and Secretary General of the Somali Revolutionary Socialist Party, the country's single political party. The formal government structure includes a Supreme Revolutionary Council formed in 1969, the Somali Revolutionary Socialist Party formed in 1976, a People's Assembly established in 1980, and a 45-member Council of Ministers. The President also regularly convenes the party politburo, a close circle of advisers composed of the most powerful four or five ministers. Informal and formal consultations between the leadership and Somali clans and clan groups also have a major impact on internal politics. However, the ultimate source of the President's political authority is the military, which brought him to power in 1969. The primacy of the military in Somali society is reinforced by continuing conflict between Somalia and Ethiopia in the Ogaden frontier region, an area within Ethiopian territory but populated largely by ethnic Somalis. The army's occasional role, in collaboration with the police, as keeper of civil order further underscores the importance of the military in Somali society.

Ethiopia and Somalia support armed dissident activity against one another. Dissident activity against the Somali Government, led by the Democratic Front for the Salvation of Somalia and the Somali National Movement, both based in Ethiopia, flared up during the winter of 1984-85 and the fall of 1985. Somali incursions into Ethiopia are more difficult to monitor than Ethiopian activities directed against Somalia. Many ethnic Somalis live in the neighboring states of Kenya and Djibouti, as well as Ethiopia. Both external and internal security are thus major concerns of the Government. The principal arm of the internal security apparatus is the National Security Service, which can arrest and detain people indefinitely pursuant to the comprehensive National Security Act.

Somalia is a poor country with few natural resources, and most of its 7.6 million people earn a bare subsistence living as herdsmen or farmers. The country's economy suffers from frequent drought, and recurrent conflict with Ethiopia has brought about heavy defense expenditures and a massive refugee problem. Most of the modern sector of the economy is government-controlled and plagued by bureaucratic inefficiencies, excessive patronage, and a lack of adequately trained personnel. In recent years, new government policies have encouraged development of the private sector, foreign investment, and financial reform with the assistance of the International Monetary Fund (IMF) and the World Bank which have had salutary effects on production, exports, and lowering of inflation.

There was no significant change in the human rights situation in Somalia in 1985. Although the 1979 Constitution has been reinstated, civil and political rights remain tightly circumscribed, and organized criticism of the Government is not permitted. The Government shows little hesitation in imprisoning those whom it sees as a threat to security. Political prisoners occasionally have been held for several years, then released and rehabilitated, with some of them assuming responsible positions in the Government. The exact number of political detainees is unknown but is estimated at 350 to 500, with new prisoners being incarcerated as others

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are released. Periodic discussions continued in 1985 with the International Committee of the Red Cross (ICRC) regarding the welfare and repatriation of Ethiopian prisoners of war and the status of Somali prisoners of war held in Ethiopia.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There were no reported political killings by the Government in 1985. However, during the winter of 1984-85 when rebel dissidents staged attacks in the northwest region of Somalia, 38 persons suspected of being dissident sympathizers reportedly were killed in the fighting.

b. Disappearance

There were no reported cases of disappearance during 1985.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There are periodic but unsubstantiated allegations of the use of torture. There is evidence that Somali police authorities apply rough treatment in order to obtain confessions from criminal suspects. Living conditions in prison can be harsh.

d. Arbitrary Arrest, Detention, or Exile

Despite a constitutional provision that accords Somali citizens the right to formal charges and a speedy trial, the Government frequently makes arrests without warrants and detains indefinitely persons whom it views as a threat to national security. Habeas corpus or its equivalent does not exist in national security cases. In some instances, political prisoners are held incommunicado and denied access to lawyers prior to being formally charged. Delays in bringing charges can be lengthy in criminal cases as well as political cases.

At least 200 of the 350-500 political prisoners are being held without charge, including 6 high government officials arrested in June 1982. A seventh ranking official arrested at the same time died in prison. Seven youths were arrested in the autumn of 1984 for antiregime activities and later sentenced to death, although their death sentences have not been carried out. In 1985, the Government arrested and detained without charge 22 members of the Muslim Brotherhood. It has released only two of them, who departed Somalia upon their release.

In July 1985, the Government detained 90 youths for antigovernment activity that included poster/slogan manufacturing, group meetings, and conspiracy to subvert the current regime. These youths were not formally charged but subsequently were inducted into the army. In August 1985, approximately 30 businessmen in Mogadishu were arrested and detained without charge. Most were released within 1 week with the remainder being released in October 1985. These arrests had a demoralizing effect on the private business community.

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Compulsory labor is expressly prohibited under the Somali labor code.

e. Denial of Fair Public Trial

The Somali judicial system, in both criminal and political cases, is subject to review and control by the executive branch of government. Since 1970, the Supreme Revolutionary Council has nominated all judges, and Council members occupy all positions on the Higher Judicial Council, the highest body of judicial review. The 1979 Constitution designated the President as Chairman of the Higher Judicial Council and added amnesty matters to its jurisdiction.

The National Security Court, established in 1969, has authority over cases involving crimes against the State, the Government, or public order and is subject to control by the Government. There is no right of appeal in these cases. The Court's deliberations are secret. Presidential consideration of amnesty is still pending for the seven youths in Hargeisa sentenced to death in 1984 by the National Security Court for antigovernment activity. In the northwest region, where dissidents remain active, there have been reports of the regional military commander prevailing over the court system. For example, in July 1985, a Tanzanian-born Somali was executed for antigovernment activity following a summary trial presided over by the regional military commander. This trial occurred at the same time that 90 youths were being detained for antigovernment activity and presumably was intended to serve as a warning to other citizens who harbored antigovernment sympathies.

In civil courts, judges refer to the Koran in rendering legal decisions pertaining to family matters such as marriage and inheritance.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

"Mobilization campaigns" are organized by the Somali Revolutionary Socialist Party to promote public participation in, and enthusiasm for, various civic and national programs as well as general support for government policies. Participation in these campaigns is urged but not strictly enforced.

The National Security Service (NSS) has the authority to search homes without warrants and detain anyone suspected of being a political dissenter. This authority extends to wiretapping and opening of mail although there is no evidence that such practices are broadly used. The NSS can effectively track the movement of persons through its comprehensive network of informants. The NSS is widely feared for its ability to collect detailed information on private citizens and detain suspects without charge.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Government forbids public expression of dissenting views. The media are owned and operated by the Government. They are devoted to disseminating information and opinion that is acceptable to the Government. The Central Censorship Board

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retains control over publications, foreign and local, circulated within the country, films, plays, concerts, and other means of communication such as videotapes imported into the country.

Currently, the only publication subject to frequent censorship is the magazine Africa Report, published in New York, but in the past some Italian publications have been banned, as well as the quarterly journal, Horn of Africa, published in New Jersey by Somali and Ethiopian intellectuals who reside in the United States.

b. Freedom of Peaceful Assembly and Association

All nonreligious organizations and public gatherings are subject to government control or supervision. Rallies or meetings of a direct political nature are organized only by the Government, usually to promote its own programs.

The country's single labor confederation, the General Federation of Somali Trade Unions (GFSTU), is government-controlled, and its members do not have the right to strike. The GFSTU's main function is to monitor the work force and provide a conduit for worker grievances. The GFSTU is a member of the Organization of African Trade Union Unity, the International Confederation of Arab Trade Unions, and the International Labor Organization.

The Union of Somali Cooperatives Movement is controlled by a bureau of the Somali Revolutionary Socialist Party. Other state-controlled associations are taking small and tentative steps toward privatization.

c. Freedom of Religion

Islam is Somalia's state religion and is followed by over 95 percent of the population. There is little government interference in religious matters. Other religious groups such as the Sufi orders enjoy religious freedom, but they have learned from past experience not to involve themselves in political matters. The Government has kept radical Muslim sects in check by detaining members without bringing charges. Members of religions other than Islam may freely practice their faith but may not proselytize.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Internal travel is not formally restricted but is controlled through police and military checkpoints in towns, border areas, and regions noted for interclan violence. Although any Somali citizen can obtain a passport, the Government denies exit visas to categories of people it prefers to keep in country, such as young men of military age. Emigration is permitted for all but government employees. The Somali Government does not exile its opponents. Somalis who have left the country to reside abroad have done so voluntarily, usually in search of greater economic opportunities or because of political disaffection. The Government allows repatriation and in some cases provides former dissident exiles with official government or military positions. In other cases, the Government has interrogated returnees and detained them indefinitely without trial for alleged antigovernment activities.

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Over 500,000 refugees from Ethiopia, most of whom are ethnic Somalis, live in Somalia. The Somali Government purports to encourage repatriation of these refugees, but many unofficial obstacles are placed in the path of those who wish to return to their native regions. There has been considerable controversy over the number of refugees, with many living in camps suspected of being local Somalis seeking food assistance. Conditions in the camps are often better than conditions among the local inhabitants. There have been reports that some ethnic Somalis with ties to the Ogaden region have agitated to receive preferential treatment in third-country resettlement programs. This agitation included an episode in early 1984 when a Canadian immigration inspector, who was interviewing Amhara refugees for resettlement in Canada, was harassed by a number of Somali refugees. In May 1985, four Amharic refugees who were scheduled for resettlement in Canada were arrested and detained without charge.

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

President Siad Barre rules Somalia and controls political participation through a single legal political party, the Somali Revolutionary Socialist Party. The party directs participation in Somali political affairs for individuals and organizations, such as the General Federation of Somali Trade Unions, the Somali Women's Democratic Organization, and the Somali Revolutionary Youth Organization. Elections for the People's Assembly in December 1984 entailed only a vote for or against the party's designated national slate of candidates. The Constitution stipulates that elections be held every 5 years, but the President has the power to delay elections.

There is no legal opposition to the Government, and public criticism of its policies is forbidden. Somalia has only one ethnic group, the Somali, which is subdivided into clans and clan groups. Although the country is ethnically and linguistically homogeneous, clan divisions exert a major impact on domestic politics. President Siad recognizes the continuing strength of the traditional, clan-based political coalitions, and government officials frequently hold formal and informal consultations with various clan leaders. President Siad has used clan politics to maintain his rule by placing members of his own clan, the Marehan, in key positions. He is conscious of clan constituencies, and members of other clans also occupy important positions. Clan identification is very strong, and for many Somalis, the traditional clan system is the accepted vehicle of political expression. Clan politics and clan rivalries occasionally erupt into violence.

Women and minorities participate in politics and government. The Somali Women's Democratic Organization, though subordinate to the party, has advocated greater political participation and mobilization for women. A number of women are members of Parliament. Other women occupy important positions within the party and in various ministries. Several vice ministers and one ambassador are women.

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

The Somali Government has refused requests by foreign officials and human rights organizations to visit political prisoners. Although the Government has occasionally allowed an ICRC team to inspect facilities for prisoners-of-war from the conflict with Ethiopia, including in 1985, there has so far been no repatriation of these prisoners. There are no Somali organizations that actively address human rights issues. In international forums, official Somali remarks on human rights are usually restricted to general statements and criticism of human rights practices in Ethiopia. The International Parliamentary Union has approved resolutions calling on the Somali Government to release the six Parliamentarians who have been detained without charge since 1982.

Amnesty International, in its 1985 Report, expressed concerns over prisoners of conscience, some of whom had been detained without trial for more than 6 years; and the indefinite detention without trial of other political prisoners or their conviction after unfair trials. Freedom House rated Somalia "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Somalia is one of the poorest nations in the world, with a per capital gross national product of about \$250. Its population of more than 7.5 million is growing at the rate of 3 percent a year. Its economy is pastoral and agricultural, the main forms of wealth being livestock--principally camels, cattle, sheep, and goats. The modern sector of the agricultural economy consists primarily of plantations along the rivers utilizing widespread irrigation and up-to-date farm machinery. Approximately 60 percent of the Somali population is nomadic; another 20 percent lives in small villages, and the remaining 20 percent lives in urban areas. Estimates in 1978 showed that 40 percent of urban dwellers and 70 percent of rural dwellers lived below the absolute poverty level.

The health of the Somali people is poor. Life expectancy at birth is slightly more than 43 years, and the infant mortality rate is 163 per 1,000 live births. About 33 percent of the population has access to safe water (58 percent in urban areas, 22 percent in rural areas). The principal causes of morbidity and mortality are malnutrition and infectious disease including diarrhea, malaria, measles, whooping cough, and respiratory infections. Somali nomads in particular suffer limited access to education, health, and social services. The livelihood of this group is also subject to the greatest degree of risk because of recurrent drought.

The literacy rate is estimated at slightly more than 6 percent (male 10.6 percent, female 2.7 percent). Primary school enrollment is about 35.5 percent (45 percent of males are enrolled and 25 percent of females).

Somalia has comprehensive labor legislation which establishes for the modern or cash sector of the economy minimum conditions for safety and health in the work place. The minimum age for employment of children is 15, and persons under 18 years are not permitted to work at night or in

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certain hazardous occupations. Even though child labor is prohibited, children often find odd jobs such as selling cigarettes on the street corner or watching and cleaning parked cars to support themselves or supplement family income. The work day is 8 hours or a total of 48 hours a week with stipulations on the amount of overtime that can be worked. Workers are entitled to paid holidays, annual leave, and holiday bonuses. However, the salary scale is extremely low, especially for civil servants. Workers resort to second jobs, bribes, misuse of public funds, assistance from other family members, and remittances from abroad to support themselves and their families.

President Siad has long been an advocate of greater rights for women, despite Muslim opposition to this policy. In this respect, Somali culture remains overwhelmingly traditional, based around extended clan families. Long-established practices such as female circumcision remain prevalent despite government opposition. The Somali Government has improved the legal and political status of women in recent years. For example, in 1975, women were given equal rights in several respects, including equal inheritance rights. The Government also promotes universal coeducational schooling, to the extent resources allow, which is mostly limited to urban centers.

U.S. OVERSEAS - LOANS AND GRANTS - OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S. FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: SOMALIA	1983	1984	1985	
I. ECON. ASSIST.-TOTAL...	69.7	81.7	82.7	
LOANS.....	15.0	16.0	20.0	
GRANTS.....	54.7	65.7	62.7	
A. AID.....	47.9	50.6	51.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	47.9	50.6	51.0	
(SEC. SUPP. ASSIST.)...	21.0	35.0	30.0	
B. FOOD FOR PEACE.....	21.8	31.1	31.7	
LOANS.....	15.0	16.0	20.0	
GRANTS.....	6.8	15.1	11.7	
TITLE I-TOTAL.....	15.0	16.0	20.0	
REPAY. IN \$-LOANS.....	15.0	16.0	20.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	6.8	15.1	11.7	
E. RELIEF, EC. DEV & WFP.	6.8	15.1	11.7	
VOL. RELIEF AGENCY.....	0.0	0.0	0.0	
C. OTHER ECON. ASSIST...	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
PEACE CORPS.....	0.0	0.0	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II. MIL. ASSIST.-TOTAL...	30.6	33.0	34.1	
LOANS.....	10.0	0.0	0.0	
GRANTS.....	20.6	33.0	34.1	
A. MAP GRANTS.....	20.0	32.0	33.0	
B. CREDIT FINANCING.....	10.0	0.0	0.0	
C. INTL MIL. ED. TRNG....	0.6	1.0	1.1	
D. TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E. OTHER GRANTS.....	0.0	0.0	0.0	
III. TOTAL ECON. & MIL...	100.3	114.7	116.8	
LOANS.....	25.0	16.0	20.0	
GRANTS.....	75.3	98.7	96.8	
OTHER US LOANS.....	0.0	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	0.0	0.0	
ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	1946-85
TOTAL.....	33.0	38.3	49.1	495.2
IBRD.....	0.0	0.0	0.0	0.0
IFC.....	0.0	0.0	0.6	1.0
IDA.....	23.0	31.5	20.6	255.0
IDB.....	0.0	0.0	0.0	0.0
ADB.....	0.0	0.0	0.0	0.0
AFDB.....	3.2	0.0	27.9	83.9
UNDP.....	6.8	1.8	0.0	58.0
OTHER-UN.....	0.0	5.0	0.0	18.8
EEC.....	0.0	0.0	0.0	78.5

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South Africa is a multiracial society whose laws codify the doctrine of apartheid, which prescribes the basic rights and obligations of people according to their racial or ethnic origin. The country's black majority (72 percent of the population) suffers from pervasive, legally sanctioned discrimination based on race in political, economic, and social aspects of life. The country's other nonwhite racial groups (principally "coloreds" and Asians) also suffer from extensive racial discrimination, although to a lesser degree than South Africa's black population. The South African Government is now publicly committed to the concept of common citizenship in a united South Africa and to negotiation with blacks to shape a new constitutional structure, including political participation by all groups. Currently, however, the political rights of the black majority are confined to participation in tightly controlled urban councils in the country's black residential areas ("townships") and through the 10 government-designed and sponsored tribal areas known as "homelands."

In 1985, the South African Government continued an incremental reform process, with the new 1984 Constitution featuring a strong chief executive, the State President, and a Parliament with three chambers (a white House of Assembly, a colored House of Representatives, and an Indian House of Delegates) based on a racial ratio of 4.2.1/white, colored, Asian. Blacks do not have the right to vote in national elections and have no representation in Parliament. As a practical matter, the parliamentary system allows any chamber to block legislation, but ensures white domination by giving ultimate decisionmaking power to the white controlled President's Council. The new Constitution remains a highly controversial instrument. Parliamentary elections in 1984 marked the beginning of widespread civil unrest, detentions, and police actions that continued in 1985.

In 1985, Parliament passed a series of changes in the apartheid system, including the repeal of long-standing legislation banning marriage and sexual relationships between whites and nonwhites and of a statute that banned multiracial political alliances. In 1985, the Government also announced that it planned to introduce a freehold system of land ownership for blacks, and that it would review "influx control" legislation, which was designed to keep most blacks in their homelands and make them, by law, temporary sojourners in "white" South Africa. In addition, the Government made further changes in the area of so-called "petty apartheid", including the limited desegregation of trains and some other public facilities under a "local option" system. Notwithstanding these changes, race still remains the basis for the organization of South African society. Discriminatory laws and practices are woven throughout the fabric of South African life, notably in the Constitution itself.

The South African economy has slowed perceptibly in the past 4 years, due in part to low world prices for its exports, and a serious economic downturn in 1984-85 was a major contributing factor to political unrest during 1985. The South African Government has estimated that an annual real growth rate of 5 to 6 percent is necessary for the economy to absorb the approximately 250,000 black entrants to the labor market each year. An even higher rate of growth would be necessary to

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reduce present black unemployment, privately estimated at 25 percent or more. There seems to be little possibility that South Africa will experience such growth in the foreseeable future, especially in the absence of capital inflows from abroad.

Against the backdrop of slow, incremental change and a deep economic recession, political discontent and ferment increased dramatically in the nation's black and colored townships during 1984-85. According to the South African Institute of Race Relations, 843 people died because of political unrest, and almost 11,000 persons were detained during the course of the year. By the end of 1985, approximately 1,000 persons remained in detention under all security legislation, including the homelands. While the majority of deaths occurred as the result of police action, many others were caused by politically motivated "black-on-black" violence. Black trade union leaders suffered frequent harassment, persecution, and detention. In 1985, one black union leader died of head injuries after a short detention period, under circumstances that clearly suggested physical abuse by the police. At least three other deaths of detainees occurred under similar circumstances in 1985. Several documented allegations of torture by police were also made in 1985, and several injunctions against physical abuse were granted by the courts.

On July 21, 1985, the State President proclaimed a state of emergency in 36 of South Africa's 265 magisterial districts, including key black urban areas. Only the province of Natal is untouched by the emergency regulations. These give extraordinary arrest, detention, and other powers to police and military, who are also fully indemnified against prosecution for all acts committed "in good faith." Under these emergency regulations, any member of the South African Police, the military (South African Defense Force-SADF) or South African Railways Police, on his own authority, may arrest and detain any person whom he believes to be a threat to the public safety. The SADF was given new police powers in December to assist police in quelling unrest in areas not covered by the state of emergency. The press is outspoken, but its freedom to report is circumscribed by security legislation, official censorship, and self-censorship. In November, the Government banned TV, photography, sound recording, and sketching of events without police permission in areas covered by the state of emergency.

The banned African National Congress (ANC), most of whose leadership is in exile or detention, continued to demonstrate its opposition to the South African Government during 1985. It hit a variety of targets and urged black South Africans to overthrow the apartheid system by concerted acts of violence against police and black township government officials, with the stated purpose of making South Africa's townships ungovernable. The SADF launched a cross-border attack into Botswana in June, in what the Government claimed was an effort to destroy an ANC training base. Fourteen people were killed in this attack. While the South African Government has denied responsibility, the Lesotho Government claims that South African commandos killed nine South African political refugees in Maseru on December 20. In February 1985, the State President offered to release jailed ANC leader Nelson Mandela, now serving a life sentence for sabotage, conditioned on Mandela's renunciation of violence as a means of political

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change. Mandela refused the conditional offer, citing the South African Government's own failure to renounce violence in the enforcement of the apartheid system.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

Widespread unrest in South Africa's black townships claimed an estimated 843 lives (nearly all of whom were black) in 1985, according to figures compiled by the South African Institute of Race Relations (SAIRR). Security forces were responsible for the majority of these deaths. Police often quelled demonstrations with excessive force, utilizing teargas, birdshot, whips, and rubber bullets. Police have also used live ammunition to disperse demonstrators. According to press accounts, some 322 deaths attributable to political unrest occurred between July 21 (the effective date of the declaration of a state of emergency in 36 of 265 magisterial districts) and the end of October. While most of these deaths were the result of police action, some of the killings took the form of black political faction-fighting; others were attacks by blacks against township government officials and other suspected "collaborators." In October, the Government said that between September 1984 and August 1985, 210 blacks had been killed and 884 hurt by "radical elements" within the black community. Among those killed were 14 black policemen.

In 1985, because of restrictions on other forms of gatherings, funerals became a principal means for blacks to express discontent with the political system, and these gatherings led to confrontations with police. On March 21, 1985, police opened fire on a group of black mourners at a funeral in Langa, near Uitenhage, killing at least 19 and injuring 36. Amid allegations that the police grossly overreacted to an alleged planned attack by the demonstrators, the Government appointed a special commission to investigate the incident. The commission concluded, inter alia, that, while no one person could be held responsible, it was a matter of grave concern that riot control equipment such as rubber bullets and birdshot was not available at the scene at the time of the Langa incident. The commission also concluded that a magistrate's banning order of the funeral set the scene for a confrontation between police and mourners. In August, all funerals were restricted by the Minister of Law and Order under the state of emergency regulations.

Other examples of violence included: On November 21, in the township of Mamelodi, near Pretoria, police fired live ammunition to disperse a group of women who had marched on the town hall that day to present grievances to the township government. The incident left at least 19 people dead, some as a result of the stampede that followed police action in dispersing the demonstration. Some eyewitnesses alleged that police continued to shoot people without warning and without provocation while the crowd fled. In June, four United Democratic Front (UDF) leaders, including Cradock community leader Matthew Goniwe, disappeared shortly after a meeting in Port Elizabeth. Their charred bodies were found several days later. There was widespread suspicion that government forces or rival blacks under official sanction may have been

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responsible for these deaths, but the Government denied any involvement. In October, white police in a black township near Pretoria allegedly beat to death a 13-year-old black boy, Moses Mope. Local residents claimed that the attack was unprovoked. As a result of this incident, the police suspended a white police constable, and in November the Government began prosecution of the officer for culpable homicide. In February, violence broke out in Cape Town's squatter area of "Crossroads" when people feared the police would attempt to remove residents to Khayelitsha, a nearby resettlement area. Eighteen people died in the ensuing violence between police and residents and in fighting between different factions within the community. Many more suffered injuries.

There were at least four known cases of deaths of detainees in 1985 that occurred under circumstances suggesting police abuse. Chemical Industrial Workers' Union official Andries Raditsela was arrested in Johannesburg May 4 and died 2 days later of head injuries, shortly after he was released from police custody. Also in May, Sipho Mutsi, a member of the Congress of South African Students (COSAS), died of head injuries while in police custody in the Orange Free State. In September, a UDF organizer, Mbuyiselo Mbuty, died under similar circumstances after 1 day in detention in the Cape Province. In another incident, Bheki Mvolane was admitted to a hospital in a coma some 10 days after his arrest on charges of public violence. He died in April without regaining consciousness. As of the end of October, the Government had not undertaken prosecutions in any of these cases, although it did have each one under investigation. In October, the Government charged two white policemen with homicide arising out of the death of Mphiwa Ngwenya in police custody in November 1984.

The African National Congress (ANC), a revolutionary organization that openly advocates the violent overthrow of the apartheid system, claimed responsibility for a number of acts of sabotage in 1985. The ANC primarily targeted installations and offices involved with the administration of apartheid, although some civilian targets were also hit. Durban and Johannesburg suffered the largest number of incidents. At the beginning of 1985, the ANC's stated policy was to avoid civilian deaths and to concentrate only on noncivilian targets. In the course of the year, the ANC modified this stated policy, blurring the distinction between civilian and military targets and calling for an extension of violence to white areas. A December 23 bomb explosion at a shopping center near Durban claimed the lives of five people and injured many others. While the Government alleged that the ANC was responsible for the blast, ANC officials in Lusaka denied this but acknowledged that it may have been the work of renegade elements within the organization. A land mine explosion killed six civilians December 15 in the Northern Transvaal. The ANC claimed responsibility for the incident. Much black township violence--in particular, attacks on the homes and persons of black policemen and township government officials--was probably inspired, at least in part, by the ANC, whose current public strategy is to render the townships ungovernable and to attack so-called "collaborators" in the black community. In June, the houses of two colored members of Parliament were the targets of hand grenade attacks attributable to the ANC. The South African security police and the University of Pretoria's Institute of Strategic

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Studies said that from January to October 1985, there were 48 instances of assassination and attempted assassination of police, state witnesses, and other individuals that could be attributed to the ANC.

b. Disappearance

South African law does not require notification of a detainee's family, lawyer, or any other person in the event of a detention or arrest. The Second Police Amendment Act of 1980 prohibits the unauthorized publication of the name of any person detained for "the prevention of or combatting of terroristic activities." Many people have disappeared, reportedly into police custody, for long periods. Some, missing for very long periods of time, are suspected by friends and associates to have been killed by security forces. On May 8, three leaders of the Port Elizabeth Black Civic Organization disappeared after they left their homes for the Port Elizabeth airport. On July 15, families of the missing men filed an action in the Supreme Court in Port Elizabeth, alleging that the men had been seen alive in police custody and that their charred bodies were subsequently seen in the murder and robbery squad office of the Port Elizabeth police station. The missing men were still not definitively accounted for by the end of the year.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Security legislation, in particular the Internal Security Act, allows police considerable latitude and generally unsupervised discretion in the arrest and detention of suspects, and in the interrogation of detainees. Lengthy periods of detention, during which authorities are not obliged by law to present formal charges, are a frequent occurrence and offer considerable potential for police abuse of detainees. Some persons detained under the state of emergency have presented affidavits to the effect that they were tortured while in police detention. The types of torture alleged include: beatings, eardrum perforations, whippings, forced ingestion of foreign substances including gasoline and human hair, and the application of electrical shocks to genitals. In September, the South African Supreme Court (South Eastern Cape local division), acting on the affidavit of a prison physician, found reason to enjoin police in the Port Elizabeth area from assaulting state of emergency detainees. Denis Neer, General Secretary of the Motor Assembly and Component Workers Union of South Africa (MACWUSA), an affiliate of the UDF, won a restraining order against police after he had been assaulted while detained under the state of emergency regulations.

Provisions indemnifying law enforcement officials from both criminal and civil liability for acts undertaken in enforcing the state of emergency are cited by some human rights activists and other observers as giving police the impression that they have license to engage in abusive conduct.

d. Arbitrary Arrest, Detention, or Exile

The Internal Security Act authorizes detention without charge or trial for varying--and in some cases potentially unlimited--periods. The Minister of Law and Order must personally issue orders under Section 28 of the Act, which he has characterized as preventive detention. Senior police

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officials may detain people for interrogation under Section 29 of the Act when offenses such as terrorism, sabotage, or inciting a revolutionary situation are suspected. Access to detainees is severely restricted, and no court may challenge arrests under the provisions of this law. There have been reports of some improvement in access since the Minister of Justice invited parliamentarians to visit detainees arrested under the state of emergency. According to the Detainees Parents' Support Committee, 1,633 people were detained under the security legislation from January to October of 1985, 392 of whom were still in custody as of the end of October (these detention figures do not include those being held under the state of emergency, discussed below). Section 30 of the Internal Security Act provides that the right of bail may be foreclosed from judicial determination by unilateral action on the part of the prosecuting attorney general in certain security cases. A decision by the Natal Provincial Attorney General to refuse bail under Section 30 to 16 political and labor union activists in a treason case in Pietermaritzburg was nullified on technical grounds by the Natal Supreme Court, which then ordered the defendants to be freed on bail. The Natal Attorney General did not follow up, thereby permitting the court decision to stand. A similar challenge to a Section 30 certification by the Transvaal Provincial Attorney General succeeded in the Transvaal Supreme Court on behalf of 22 defendants in another treason case. The Transvaal court, however, refused the bail application.

On August 27, UDF patron and World Alliance of Reformed Churches President Allan Boesak, an outspoken critic of the Government, was detained under Section 29 of the Internal Security Act. The arrest took place on the eve of a march that Boesak was planning to lead on Pollsmoor Prison to demand the release of Nelson Mandela. A magistrate had previously banned the march. Boesak was held incommunicado until his release on bail September 20. The court subsequently eased the conditions of his bail, which amounted, in substance, to a "banning" order against Boesak.

On July 20, 1985, citing increasing violence and disorder in black townships, State President P.W. Botha invoked the Public Safety Act of 1953 and declared an official state of emergency in 36 of South Africa's 265 magisterial districts effective July 21. (The Government's only other such use of the Public Safety Act was in 1960, following rioting in Sharpville.) While the state of emergency applied to less than 15 percent of the country's magisterial districts, it covered nearly all of South Africa's urban black population, including numerous townships in the eastern part of Cape Province and Soweto, the nation's largest black township on the outskirts of Johannesburg. Starting in late October, the State President lifted the state of emergency in some districts, but extended it in others.

A person detained under emergency regulations may be held incommunicado and without charge for up to 14 days, following which the detention may be reordered for an extended period or for the duration of the state of emergency. By the end of 1985, more than 7,000 detentions had taken place under state of emergency regulations. Almost all state of emergency detainees were black. Police figures indicated that 452 of these persons were still being held in detention at the end of the year. Many of those released ultimately were not charged with any offense, a circumstance suggesting that the police

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had engaged in an arbitrary use of detention powers. The South African Police and the South African Defense Forces were the major security personnel responsible for enforcing the state of emergency. Some analysts have claimed an apparent attempt by the Government to use state of emergency regulations to round up and detain opposition UDF figures.

Under both state of emergency and other security legislation, detentions of children under the age of 16 occurred during 1985. In August, at one Soweto school, police detained some 800 school children, most of whom were under the age of 14. Most of these detainees were released to the custody of their parents within 48 hours. Human rights groups have frequently criticized the Government for longer-term detention of children under the age of 16.

Available evidence suggests that at least 36 trade unionists were detained without charges or trial (primarily under Section 29 of the Internal Security Act) during 1985.

The Internal Security Act of 1982 authorizes the Minister of Law and Order to issue "banning" orders. Under such orders, any person judged by the Minister to be endangering law and order, threatening state security, or promoting the aims of Communism or an unlawful organization can be (1) made to resign as an officer or member of any organization; (2) restricted to or excluded from certain areas; (3) prohibited from meeting with more than one person at a time; (4) ordered to report regularly to a police station; and (5) prohibited from being quoted or published. No court can challenge the Minister's power to issue banning orders, although the Internal Security Act does provide for administrative review of such orders. According to the South African Institute of Race Relations, over 1,400 South Africans have been banned at one time or another since 1950. Approximately 370 of these persons left the country. One prominent banned person is Winnie Mandela, wife of jailed ANC leader Nelson Mandela. Mrs. Mandela's banning order, in effect since 1977, continued in 1985. Its terms confined her to Brandfort, Orange Free State, until the Government modified the order in late December to provide for her to be barred only from two judicial districts in the Johannesburg area. Police arrested Mrs. Mandela twice in December for alleged violations of this new order. As of the end of December, she was free on bail pending a hearing on her arrests for these alleged violations. At the end of 1985, a total of 9 persons were officially banned, compared with 11 as of the end of December 1984.

Forced labor is not used in South Africa as a means of political coercion or education, nor as a sanction against political or ideological opinions. A 1984 International Labor Organization (ILO) report notes, however, that under the Prisons Act of 1959, the Commissioner of Prisons can "contract with any authority or public body or with a person or body of persons for the hiring and employment of prisoners under sentence." The report further noted that a large portion of the prisoners designated for such work are blacks who have been convicted of pass law offenses and that the agricultural sector has made the greatest use of this convict labor.

e. Denial of Fair Public Trial

The power of the South African judiciary at all levels is circumscribed by stringent security legislation and by the

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jurisprudential principle of parliamentary supremacy, which renders judges powerless to alter, strike down, or refuse to enforce properly passed acts of Parliament. All of South Africa's judges in both the Magistrate's and Supreme Courts are white. The country's only nonwhite members of the bench, two colored magistrates, resigned in September, stating that they did not want to be involved in the adjudication of "political" cases.

South Africa has an adversarial system of criminal justice drawn from a mixed heritage of Roman-Dutch and British jurisprudence. Trials of lesser offenses are adjudicated by magistrates, who are career employees of the civil service in the executive branch and who are widely believed to be progovernment in their views. More serious offenses, including capital crimes, are tried in the Supreme Courts. Determination of guilt or innocence is made by the presiding judge or magistrate. There are no juries. Persons charged with common crimes are presumed innocent until proven guilty, although Parliament has modified this general presumption of innocence for many security offenses. The Internal Security Act effectively places the burden of proof of innocence on an accused for a number of offenses enumerated in the Act. Both security and common crimes cases are tried in civilian courts.

The independence of the judiciary is often questioned in South Africa, particularly at the magistrate level. Some judges of the Supreme Court, appointed to the bench from the ranks of the elite corps of South African Supreme Court practitioners ("advocates"), are believed to demonstrate considerably more intellectual and political independence than do magistrates.

Defendants in all criminal cases have the right to counsel. If a person cannot pay for his or her defense, limited funds for legal assistance are available through the publicly supported Legal Aid Fund and through various private organizations. These sources, however, are insufficient to meet the need. The vast majority of defendants prosecuted for pass law violations appear in court without legal counsel. Courts usually appoint counsel in capital cases where the defendant cannot afford his or her own lawyer. Security trials are often held in remote locations, far from metropolitan areas. Because of case backlogs, postponements and the practice of hearing cases concurrently, criminal trials can often take months, even years, to complete. This is particularly true in security cases.

The Government undertook two significant high treason prosecutions in 1985. One case involved high treason, murder, and other security charges against 22 South Africans associated with the United Democratic Front, Azanian People's Organization [AZAPO], and other groups, arising out of widespread civil unrest in the Vaal Triangle region of Transvaal Province in September 1984. By the end of the year, the trial proper had not yet begun and all defendants were in custody, the courts having refused bail. In another significant security case, 12 UDF figures and four labor union activists were charged with high treason in Natal. In December, the State, in a surprise move, dismissed all charges against the 12 UDF defendants but continued its prosecution of the four labor union leaders, who remained free on bail as the trial continued. The American Bar Association Trial Observer Program has sent monitors to these proceedings.

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f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The system of apartheid necessarily involves the Government in extensive regulation of social, personal, and family life. Membership in an ethnic group or race is based on definitions and decisions of the Government under the Population Registration Act. In borderline cases, racial classification is determined administratively by a racial classification board, empowered to weigh evidence and to issue a verdict on an individual's race when the parents' racial classification is not known. Under apartheid, association in many social settings is not a matter of free choice. The Separate Amenities Act allows public premises to be reserved for the exclusive use of persons of a particular race. In recent years, the Government has expanded the scope of administrative exceptions to apartheid laws, and has allowed some restaurants, hotels, theaters, cinemas, drive-in theaters, private hospitals, parks, libraries, intercity railroad coaches, and other public amenities to admit persons of all races upon application. In 1985, the Parliament repealed long-standing statutory bans on marriage and sexual relationships between whites and nonwhites, and the Government also announced that it would consider amendments to the Group Areas Act to accommodate the residential needs of mixed-race couples.

Despite substantial reforms in the area of so-called "petty apartheid" in recent years, a substantial degree of social segregation still exists in South Africa, which is mandated by numerous statutes, provincial ordinances, and municipal by-laws providing for social segregation of the races in a wide range of public facilities, including trains, buses, taxis, parks, cinemas, hotels, and beaches. Social segregation, however, is now being enforced with less rigidity than has been the case in the past and is gradually becoming a matter of local option. State theaters are now desegregated, and in 1985, motion picture theater owners succeeded in persuading authorities to allow them to follow suit for some cinemas. Some local authorities have made use of the limited discretion they have to desegregate facilities under their control, while others have not. Desegregation is thus carried out on an ad hoc rather than on a blanket basis: for example, the Johannesburg City Council desegregated public parks but not public swimming pools. Two examples of desegregation on a national basis took place during 1985: effective September 1, the Department of Transportation desegregated intercity railroad coaches on a limited basis. While "whites only" coaches are still available for those who wish to use them, whites can ride in mixed race cars, if they desire. Many major hotels in South Africa's larger cities now have "international" (i.e., desegregated) status, and the trend here and elsewhere in the area of public accommodations appears to be toward greater desegregation.

Freedom to choose one's own associates is also limited by the Group Areas Act, which holds that the different races must reside in separate areas. In the case of blacks, even the right to reside in a segregated urban "township" is not available unless one has employment and government permission to reside in such an area. Most nonwhites who live in urban township houses rent them from the Government, which owns and subsidizes them. Since 1983, however, blacks have been able to obtain renewable 99-year leases on land in many urban

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townships for home construction. In 1985, the Government announced that it would introduce a freehold system of land ownership for nonwhites. Many urban townships and portions thereof are still lacking in some or all modern amenities, such as electricity, running water, indoor plumbing, paved roads, and recreational facilities. Townships are often located at inconvenient commuting distances from cities, where most employment opportunities for South Africa's nonwhites are found. Perhaps most importantly, the townships, even where equipped with acceptable amenities and where occupied by prosperous elements of the nonwhite community, exact an immeasurable cost in human dignity from their residents because they are legally segregated communities.

The Government has forcibly relocated many people because the blueprint of group areas, dictated by the apartheid system, did not always correspond to the actual location of the various racial groups. Since 1961, the forced resettlement of an estimated 3.5 million nonwhites has taken place, according to figures of the South African Council of Churches. Government figures issued in 1984 confirmed that 2 million blacks had been resettled since 1960. In early 1985, the Government announced a suspension of forced removals pending a review of its resettlement policy and stated that relocations in the future would only come after negotiations with residents concerning the terms of removal. In several instances, however, the Government has refused to negotiate with recognized black community leaders and has negotiated with representatives chosen by the Government. Resettlement areas, particularly when located in the homelands, usually have inadequate infrastructure and insufficient land and water for profitable agriculture. The Government has also forced some white farmers to sell their land and relocate to allow for creation of the homelands.

The Black Urban Areas Consolidation Act allows police to enter homes without a warrant if any black is suspected of residing or working in the area illegally. The Criminal Procedures Act of 1977 authorizes a judge or magistrate to issue a search warrant if there is some reason to believe that "the internal security of the republic or the maintenance of law and order is likely to be endangered by or in consequence of a 'meeting' being held in a given place." Under this same Act, a police officer may enter, search, and question without a warrant if the officer has reason to believe a warrant would be issued but the delay caused by first obtaining the warrant would defeat the purpose of the search.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Freedom of the press deteriorated in 1985 even though South Africa's largely white-owned press continued, when possible, to engage in vigorous criticism of the Government and its policies. Press freedom, however, is seriously circumscribed by several acts of Parliament, including the Publications Act, the Defense Act, the Police Act, the Prisons Act, the Internal Security Act, and the Protection of Information Act. These laws severely restrict reporting on the operation of various departments of government and the publication of views that are radically critical of the status quo. While there were no known convictions of journalists under these Acts in 1985, the Government used these laws throughout the year--pursuing, then

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dropping charges in some cases--in such a way as to ensure a degree of self-censorship. South Africa's press is sensitive to the aforementioned laws because they render thousands of persons potentially liable to criminal prosecution. Among proscribed areas of reporting are "official secrets" and energy supplies, including petroleum and nuclear energy. An example of the Government's use of these Acts occurred in November, when the Government brought charges under the Internal Security Act against Cape Times Editor Anthony Heard, after his newspaper published his interview with ANC Leader Oliver Tambo. In 1985, following the state of emergency declaration in July, the Government also moved to reduce international as well as national coverage of political unrest in the nation's black and colored townships. On numerous occasions, it barred both foreign and local reporters from areas of unrest or detained them for brief periods for alleged refusal to obey a police order to leave an area. Among the numerous foreign and domestic journalists so arrested were two American correspondents for the Dallas Morning News, and a Kenya-based British journalist for Newsweek magazine who had written an article particularly critical of police conduct in handling unrest in South Africa. The Government also banned the Newsweek issue in question under the Publications Act. South African visas for foreign journalists are often unduly delayed when subjected to lengthy processing procedures.

In September, the Government established an information bureau under the leadership of a Deputy Minister. While the stated purpose of establishing the bureau was to facilitate visits by foreign media representatives, some observers saw the establishment of the bureau as a signal that the Government planned a clampdown on foreign media in South Africa. In November, amid claims by security police that some members of the press had instigated violent acts to obtain sensational photo coverage and that the presence of TV cameras attracted and incited rioters in areas of unrest, the Government banned TV coverage, photography, sketching, and radio recording from areas under state of emergency regulations. Heavy penalties for infractions include fines of up to \$7,200 and/or imprisonment for up to 10 years. As a result, media coverage of ongoing black unrest in South Africa, especially through television, has been greatly reduced.

In addition to official censorship and self-censorship, an institutionalized voluntary system of self-regulation of the press exists. The Media Council, formed voluntarily in 1983, has upheld the principle of self-regulation by newspapers. In 1985, the Media Council conducted lengthy proceedings involving a claim brought by the security police against the Johannesburg Star. The issue presented was whether two Star reporters had correctly quoted two security police officers as having been involved in a clandestine campaign to discredit Rev. Allan Boesak, a vigorous critic of the South African Government. The Council found in favor of the two newsmen.

The government-appointed board established under the Publications Act may prohibit the distribution or possession of publications, films, or other materials that in its view are "obscene" or "blasphemous"; that bring any section of the public into ridicule; that harm relations between sections of the public; or that are prejudicial to the safety of the State. Decisions of the Publications Committee may be appealed to the government-appointed Publications Appeal Board, but not to the courts.

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b. Freedom of Peaceful Assembly and Association

The Internal Security Act seriously obstructs freedom of assembly as it gives magistrates the power to prohibit or impose conditions on the holding of meetings and to close off areas to the public to prevent prohibited gatherings. In response to widespread unrest in 1976, the Minister of Justice banned all outdoor gatherings except sports or specially authorized meetings. The Government has renewed this ban on an annual basis since 1976 and did so again in 1985. Police frequently arrested persons in townships on charges of participating in illegal gatherings.

In addition, the Government has banned other sorts of gatherings, such as indoor meetings of a variety of organizations, and funerals in areas of unrest. In June alone, public meetings of 29 organizations, many affiliated with the UDF, were banned. Also in 1985, the Government banned the Congress of South African Students (COSAS), the country's most extensive and influential organization of black students.

During 1985, some human rights groups charged that government policy, both before and subsequent to the state of emergency declaration on July 20, was to arrest and detain key leadership elements in the opposition UDF. UDF leadership in Natal, Cape, and Transvaal provinces was largely decimated by detentions in 1985. Founded in 1983, the UDF is a loosely organized national movement of several hundred community groups, church and civic organizations and labor unions. Although the movement contains elements that adhere to the more revolutionary values of the African National Congress, most of its member organizations describe themselves as advocates of nonviolent change. There have also been a number of instances of police harassment of legally held meetings.

The South African Labor Relations Act recognizes the right of employees to form and to join trade unions. Amendments to the Labor Relations Act passed between 1979 and 1981 granted South African blacks full status as employees for the first time and removed impediments to the legal operation of black trade unions. Trade union members, approximately 50 percent of whom are black, constitute 13-15 percent of the total labor force of about 12 million. In 1979, less than 100,000 blacks were trade union members. In 1985, black trade union membership stood at nearly 800,000, according to government estimates. In December, 34 black trade unions with an estimated membership of more than 400,000 combined to form a national labor federation, the Congress of South African Trade Unions (COSATU).

Notwithstanding recent reforms in South African labor law, significant race discrimination still exists in the mining industry, where a long-entrenched "job reservation" policy continues to ban blacks and Asians from high paying skilled positions such as blaster, mine manager, and mine overseer. The Labor Relations Act does not cover farm workers and domestic servants, who together comprise approximately 2 million workers (about one-sixth of the total labor force). Workers in these two categories, nearly all of whom are black, enjoy few protections under the law.

With the qualified exception of KwaZulu, none of the homelands has labor legislation to match the post-1979 reforms passed by

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the South African Parliament. Ciskei has banned a major trade union active in the Eastern Cape (the South African Allied Workers Union), and Bophuthatswana has prohibited unions headquartered elsewhere from operating in its territory.

The right to strike exists under the Labor Relations Act but is qualified by a mandatory prestrike arbitration process that can take as long as 2 months to complete. Nearly all strikes occurring in recent years have been staged by emerging black unions, and most of them have been technically illegal. In addition, the right to strike is seriously modified by the common law right of an employer to fire any striker (whether the strike is legal or illegal) on grounds of breach of the individual's employment contract. In September 1985, a large mining company fired nearly 1,000 legal strikers after they failed to report to work for 2 consecutive days. The strikers' union, the National Union of Mineworkers (NUM), appealed these dismissals to the Industrial Court, which ruled in November that management had committed an unfair labor practice in dismissing the workers. A general prohibition against outdoor meetings for other than sports or cultural purposes has impeded both strike activity and union organizing efforts.

Organized labor's effectiveness in representing workers has grown substantially since 1979. This growth has been evident in a number of ways, among them the following: unionization of key economic sectors (especially mining, metals, and transportation); a steady increase in the number of recognition agreements; black union participation in industrial councils; and increased recourse to the Industrial Court and Conciliation Boards. In addition, the increase in the number of strikes, which reached record levels in 1984 and 1985, reflects the success of black trade unions in mobilizing workers and in articulating grievances.

South African trade unions are independent of the Government, and most of them have no links, official or unofficial, to any political party or movement. Some exceptions are: the all-white South African Confederation of Labor, with about 100,000 members, which is widely believed to have ties to the right-wing Herstigte Nasionale party; a collection of about 11 black trade unions, with a total membership of close to 100,000, which are affiliated with the UDF; and 9 other black unions, with a claimed total membership of 75,000, which are officially affiliated with AZAPO.

South Africa has not been a member of the International Labor Organization (ILO) since the early 1960's. The Government monitors but does not prohibit trade union relations with the international labor movement. Government passport and visa policy, however, sometimes impedes these relations. The 75,000-member Council of Unions of South Africa (CUSA) is the only South African labor organization that is a full-scale affiliate of the International Confederation of Free Trade Unions (ICFTU). The Federation of South African Trade Unions (FOSATU), which was incorporated into the new federation COSATU, had observer status in the ICFTU.

c. Freedom of Religion

South Africa's multiracial society has a wide variety of religious denominations, and the Government generally respects freedom of worship. Religious organizations are allowed to

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hold meetings and other activities without interference as long as they do not seriously challenge government policies. As with other aspects of South African life, churches are often divided along racial lines, but many churches (including a growing number of white churches) challenge apartheid on moral grounds. The Defense Act provides alternative service options for religious objectors to national military service. Conscientious objectors on nonreligious grounds continue to be subject to a maximum 6-year sentence for refusing to serve.

The Government is often at odds with some of the country's leading churchmen, who are outspoken and vigorous critics of the apartheid system. These include Anglican Bishop of Johannesburg Desmond Tutu, Rev. Allan Boesak, and Archbishop Dennis Hurley, head of the Catholic Archdiocese of Durban. Rev. Boesak was detained under the Internal Security Act from August 27 to September 20. The bail order defining the terms of his freedom, pending the outcome of charges against him under the Internal Security Act, specifically permitted him to address bona fide religious gatherings, while seriously hampering his movements and contacts. In November, a court lifted an earlier requirement that Rev. Boesak surrender his passport, but the Government nevertheless suspended his passport. In February, Archbishop Denis Hurley was acquitted of charges under the Police Act. The Government had charged that he had made false statements concerning atrocities allegedly committed by the Namibian special police unit, Koevoet, but opened the trial against him with an admission that the Archbishop had not committed any violations of the Police Act.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Black residence and travel are regulated by "influx control" or "pass" laws that severely restrict the right of blacks to remain in a given urban area for more than 72 hours at a time. Periodically, police conduct raids or sweeps of restricted areas during which all passes are checked. Persons illegally residing in the area are arrested. Upon conviction of a pass law offense, a person is subject to being transported to his or her assigned homeland. In 1983, in the landmark "Rikhotso" case, the Supreme Court held that black migrants who have worked 10 years or more for the same employer, or 15 years for successive employers, are entitled to permanent residence in the area of employment. The decision was not self-executing, and blacks must undergo a lengthy administrative process to document their claim to these rights. Conditions for obtaining these rights were eased in 1985. The Government has linked the granting of such rights to the availability of housing, and many people eligible for permanent urban residence are prevented from living in urban areas due to housing shortages. Arrests for pass law violations decreased markedly in the latter part of the year.

In 1985, a study by the President's Council recommended the abolition of influx control, a long-standing and central pillar of apartheid policy. State President P.W. Botha subsequently pledged that the influx control laws would be replaced by a program of "orderly urbanization," the content of which is not yet known. The pass laws are a major irritant in the daily lives of blacks.

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The Government announced that it would support repeal of an existing "whites only" provision in the immigration law during the 1986 parliamentary session in favor of a provision allowing nonwhites to immigrate to South Africa if they can be assimilated into an existing racial group.

In 1985, the Government also announced it would drop a legal requirement for whites to obtain permits to visit nonwhite areas (in practice, the Government had seldom enforced this restriction on travel). As part of state of emergency regulations, however, police often restricted entry into townships in emergency-affected areas.

Whites must possess valid travel documents in order to travel abroad and to emigrate legally. With the exception of banned persons, these documents are not difficult for whites to obtain.

The South African Supreme Court has declared that a citizen's access to a South African passport is a privilege and not a right. Under a 1982 court ruling, the Minister of Home Affairs has an unchallenged right to revoke a passport without giving any reasons for his action. In October 1985, State President P.W. Botha ordered the refusal of passports to a group of eight white students of the University of Stellenbosch who wished to travel to Zambia to hold talks with members of the African National Congress. A group of Dutch Reformed Church ministers was refused passports for similar purposes. In November, Rev. Allan Boesak cancelled plans to travel to the U.S. when the Government held his passport. The South African Government frequently refuses passports to black trade union figures wishing to travel abroad, including to the United States. The incidence of passport refusals to trade union officials appeared to increase after the declaration of the state of emergency.

The Government generally requires that any individual assigned to an "independent" homeland must travel on a homeland travel document when traveling abroad. Legal restrictions exist for Asians who wish to reside in or visit the Orange Free State and certain parts of Natal province. A ruling National Party congress in the Orange Free State voted in 1985 to begin the process of lifting these restrictions on Asian residence.

Although the South African Government is not a signatory to international conventions on refugees, it provides informal sanctuary to as many as 40,000 refugees from Mozambique. Relief assistance is provided to these refugees by South African private and voluntary organizations, and the Government permits access by international observers to areas where refugees are found.

There are approximately 22,000 South Africans who have been granted refugee status in other African countries. Despite a significant increase in domestic violence during 1985, there has been no marked emigration of black South Africans at the level observed in 1976. While there are no generally accepted statistics on the outflow of white South Africans, reports indicate that a substantial increase in emigration occurred, in part at least as a reaction to domestic violence, in 1985.

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

Until 1984, South Africa's national political institutions were reserved for whites only. Under the new Constitution that came into effect in September 1984, the right of political participation at the national level has been extended, albeit on a limited basis, to South Africa's colored and Asian citizens. The Government continues to deny national political rights to South Africa's black majority, who comprise 72 percent of the population. Under the new Constitution, all officially registered political parties operate as freely as the ruling National Party. The new Constitution created a tricameral parliament with separate chambers for whites, coloreds, and Asians. Members for each house are elected by separate, racially based constituencies. Each house has primary responsibility for legislation affecting its own racial constituency. A strong chief executive, the State President, decides which issues of general concern are to be treated by all three chambers. If efforts at consensus on general affairs matters fail, they are referred to the President's Council, a body composed of whites, coloreds, and Indians, for an advisory opinion. The lines between "own affairs" and general affairs are not always very precise. Matters that appear to be exclusively general affairs include foreign policy, defense, national security, and black affairs. Education is normally dealt with as an "own affair" but is subject to general laws prescribing norms and standards for salaries, curriculum, and examinations. The terms of the new Constitution and the existence of a white majority in Parliament work to ensure control by the white House of Assembly over key general affairs. While there is a vigorous, outspoken opposition in the House of Assembly, the ruling National Party, which has dominated South African political affairs since its first parliamentary victory in 1948, dominates legislative affairs by sheer force of numbers. Within the National Party, viewpoints range from "verligte" (enlightened) to "verkrampte" (reactionary), with internal differences resolved in party caucuses.

Lacking a role in the national Parliament, political participation for blacks remains limited to a franchise in one of the 10 homelands, to which all blacks are assigned through ethnic or linguistic identification. Such assignments take place irrespective of the wishes of those assigned and without regard to the fact that they may not have been born, nor ever lived in, nor even visited their putative homeland. When a homeland "requests" and is then granted "independence" by the South African Government, blacks assigned to that homeland lose their South African citizenship and receive the "citizenship" of the homeland. Approximately 8 million blacks have been denationalized under this policy by South African legislation granting "independence" to four homelands: Transkei (1976); Bophuthatswana (1977); Venda (1979); and Ciskei (1981). The South African Government stated in 1985 that it had no intention of abolishing the homelands system. It did indicate, however, that it would propose legislation in the 1986 parliamentary session that would extend an offer of South African citizenship to all of the country's blacks, including "citizens" of the so-called "independent" homelands, who would presumably have dual citizenship. The exact terms of this potential citizenship arrangement remain to be defined in new legislation.

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Nearly 10 million blacks live in townships near white urban areas. The only voting rights blacks are able to exercise are those granted under the Community Councils Act of 1977 and the Black Local Authorities Act of 1982. The Black Local Authorities Act of 1982 elevated the status of black municipal authorities to that enjoyed by white municipal governments. It did nothing, however, about the critical problems of inadequate financial resources and the lack of political credibility faced by black local government. Much of the violence that took place in black townships in 1985 was directed at black town councils and councillors, underscoring the weakness of these local authorities. In 1985, Parliament passed legislation to replace all-white provincial councils with multiracial regional services councils, to include representatives of black, Asian, and colored local governments. It is expected that the first of these multiracial bodies will be formed during 1986.

No women presently serve as ministers in the Government. Two women serve as members of the State President's Council. Three of the 178 seats in the Parliament's white House of Assembly are held by women. The colored House of Representatives has two women members, and the Indian House of Delegates one. In 1985, 9 women served alongside 167 men in provincial councils. Generally speaking, women have achieved more success in electoral politics at the local than at the national level.

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

The South African Government extends little or no cooperation to various United Nations bodies or private organizations attempting to investigate the Government's human rights record. The International Committee of the Red Cross (ICRC) is permitted access to convicted security prisoners but may visit them only annually. The ICRC does not visit security prisoners sentenced to death because the South African Government refuses to permit the ICRC to speak to the prisoners in private. Access to most, but not all, security detainees is denied. In 1985, the Government granted access to several Western interviewers, including British citizens and Americans, to jailed ANC leader Nelson Mandela. The Government permitted an American Bar Association representative entry into the country to observe proceedings in two significant treason trials that were pending in Natal and in Transvaal provinces. The Government refused numerous other requests to interview Mandela, including requests from some members of the U.S. Congress.

A number of South African organizations observe, report, and contest human rights violations in the country. In addition to black political organizations, the Lawyers for Human Rights, the Black Sash, the Legal Resources Center, the South African Council of Churches and the Detainees' Parents' Support Committee are active on a wide range of human rights issues and assist persons who have been incarcerated under security laws. The South African Institute of Race Relations' (SAIRR) annual report is a primary source on human rights questions in South Africa. Amnesty International, in its 1985 report (covering 1984), expressed concern about the imprisonment or restriction of prisoners of conscience. It was also concerned about the detention without trial of suspected opponents of the Government and of local administrations in the South African "homelands." Freedom House rates South Africa "partly free."

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ECONOMIC, SOCIAL, AND CULTURAL SITUATION

According to the World Bank, the South African population was 32.5 million in 1985 (whites 16 percent, blacks 72 percent, coloreds 9 percent, Asians 3 percent), with an overall growth rate of 2.4 percent. The most recent census of the country's population, taken in 1980, records average annual population growth rates by racial group from 1970 to 1980 as: whites, 1.7 percent; coloreds, 2.2 percent; Asians, 2.4 percent; and blacks, 2.7 percent. More than half of South Africa's blacks reside in the country's 10 homelands, which are for the most part resource-poor and lacking in job opportunities. Per capita gross national product was \$2,490 in 1983. Income distribution has traditionally been skewed along racial lines.

The South African economy is dualistic in nature, containing both a highly sophisticated modern sector and a large, underdeveloped rural sector, where the vast majority of people is engaged in subsistence agriculture. Virtually the entire white and Asian populations receive their income from the country's "first world" economy. The black population also participates in the "first world" economy, generally at significantly lower rates of skill/authority and remuneration levels than whites. Job reservation has been lifted, however, apart from some job categories in the mines. The modern economy has been hard hit by 4 years of recession and this downturn has exacerbated black unrest.

Subsistence agriculture, supplemented by remittances from relatives working in "white" South Africa, is the most prevalent source of livelihood in the homelands. Since many, if not most, of the economically active males from the homelands seek employment in the modern sector of "white" South Africa, a disproportionate number of dependents (women, children, and the elderly) reside in the homelands. Though agricultural progress is being achieved in some rural black areas, the homelands as a whole do not produce enough food to feed their resident populations.

Black unemployment is not measured directly. Government figures show an increase in unemployment among the economically active population throughout 1985. These figures do not reflect conditions of unemployment and underemployment in the rural areas. The official unemployment rate among blacks was recorded at 7.8 percent in June 1985. Private estimates of total black unemployment (including the 10 homelands) range up to 25 percent. In some townships, unemployment is thought to be dramatically higher.

Official World Bank statistics indicate an overall infant mortality rate of 85.6 per 1,000 live births in 1985. Official government statistics on infant mortality by racial group in 1978 were: whites, 14.9; coloreds, 80.6; and Asians, 25.3. Records for blacks are incomplete, but estimates of infant mortality among this sector of the population range up to more than 200 per 1,000 live births, especially in rural homelands such as Ciskei. The much higher rate of infant mortality among blacks is ascribed largely to poor nutrition, exacerbated by drought, to poor sanitary conditions, and to a lack of sufficient hospitals and doctors for blacks, especially in the homelands. A respected university study done in 1981--before the drought became serious--found 2.9 million children (mostly black) suffering from at least mild forms of malnutrition. These factors also account for the difference in life expectancy

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among the different population groups. World Bank statistics for 1985 show a life expectancy of 62.5 years for all South Africans. A 1983 South African Government report indicates whites have a life expectancy of 70.3 years, Asians, 55 years, coloreds, 59 years, and blacks, 57.5 years.

The effects of the drought continued, despite improved rainfall at the end of the year. Farmers remain uncertain whether the rainfall will be sufficient to ensure a return to normal harvests. The South African Government has provided drought relief of \$20 million to the homelands and is currently spending \$13 million for job creation and training to combat the effects of the recession and the drought. Many government critics believe these amounts fall far short of what is necessary and have called upon the Government to provide money for emergency feeding schemes.

The most recent World Bank data available indicate that as of 1960, 57 percent of the adult population of South Africa was literate. As school attendance for whites, coloreds, and Asians has traditionally been compulsory, it is likely that most adult members of these groups are literate. The Government began to implement a system of free compulsory education up to the fourth grade for blacks in 1981. This system is now in effect at 250 schools, with a total of 100,000 students affected. Some surveys have claimed that 50-60 percent of all adult blacks are literate. Such findings are difficult to corroborate, given the rural location of so much of the black population and disagreement over standards used to gauge literacy. In 1981, black pupil enrollment was just over 5 million in regular primary through high school grades. Only slightly more than 1 percent of enrollment was in the last grade of high school, illustrative of the high drop-out rate. Having announced the goal of equal education for all population groups, the Government has increased the total education budget so that it exceeds that for defense. While the Government has increased outlays for black education from \$35 million in 1972 to \$354 million (not constant dollars), there remains a high disparity between spending on education, with outlays for white students far exceeding those for blacks. The South African Institute of Race Relations estimates per capita spending on education as \$661 for whites, \$435 for Asians, \$227 for coloreds, and \$94 for blacks. Black enrollment at "white" universities has been growing slowly. SAIRR figures indicate that in 1983, 14 percent of the students at South Africa's 4 English-speaking universities were nonwhite, while there was a sprinkling of nonwhite students at the country's 5 Afrikaans universities.

Political unrest that swept many of the country's black and colored townships in 1985 took the form of school boycotts in many areas, including Soweto, the nation's largest black township. This has compounded the problem caused by an already poor educational system for blacks.

South Africa suffers from a housing shortage that continues to worsen, with the black population being the hardest hit. Early in 1985, the Minister of Cooperation and Development announced that the black housing shortage had reached 364,270 or an estimated 196,000 houses outside the homelands. Despite this enormous need, the housing situation is worsening. A 1-year program to sell 500,000 government-owned houses (most of which are occupied by blacks) at discounts of up to 40 percent, begun in July 1983, was extended beyond its original 1 year timeframe and continued through July 1985. During the first 14 months of

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the program, however, only 32,000 homes were sold. The granting to urban blacks of 99-year leasehold rights, which are renewable and inheritable, has not been widely utilized because of inadequate access to finance and because the sites offered were often distant and inconvenient. The Government has announced the intent to enact freehold land tenure for blacks; its entire urbanization policy is reportedly under review.

The Labor Relations Act of 1956 provides a mechanism for negotiation between labor and management of industry-by-industry minimum wage standards. At present, some 101 industries come under the provisions of the Act. There is no universal minimum wage in South Africa. The Occupational and Safety Act prohibits the employment of minors under the age of 16 in certain industries. The Act on Basic Conditions of Employment sets forth certain minimum standards for employment, including provisions for a standard work week of 46 hours in most industries, as well as mandatory provisions for vacation and sick time. The Machinery and Occupational Safety Act mandates minimum standards for the design and use of certain types of industrial machinery.

Women of all races in South Africa suffer varying degrees of legal, cultural, and economic discrimination, most of which is based on tradition rather than codified in law. In 1984, South African statistics showed that women constituted 41.1 percent of the work force, but held only 12 percent of managerial positions. Women traditionally earn lower wages than men and are, generally speaking, underrepresented in the country's political and business establishment. At school, they are often encouraged to take traditional "women's courses" in such areas of study as nursing, education, and the humanities. As noted in Section 3, women are, for the most part, not prominent in government. Like their male counterparts, black women suffer from extensive legal handicaps and acts of discrimination that stem from South Africa's system of apartheid. Black women also suffer from other legal disabilities based on sex. They are regarded by South African law as perpetual minors. There is some movement, however, to extend provisions of the Matrimonial Property Act of 1984 (which abolished the marital power of the husband and substantially increased the property rights of white, colored, and Asian women) to black women. Maternity benefits are not guaranteed under South African law, and a pregnant woman can be legally dismissed from her job. Against a backdrop of traditional sex and race discrimination, a nascent women's rights movement has taken hold in South Africa. Women's organizations, often multiracial, have been at the forefront of the struggle against both race and sex discrimination.

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Formerly German South West Africa, Namibia has been ruled by the Republic of South Africa since 1915. The United Nations lifted South Africa's 1920 League of Nations mandate in 1966. However, South Africa refused to relinquish its possession and has ignored a 1971 advisory opinion of the International Court of Justice upholding U.N. authority over Namibia and calling for South Africa's immediate withdrawal. In 1978, the United States, United Kingdom, France, Federal Republic of Germany, and Canada drafted a proposal for Namibian independence worked out in talks with South Africa, the South West Africa Peoples Organization (SWAPO) insurgents, and the neighboring states (known as the "frontline states"). This proposal became United Nations Security Council Resolution 435. It calls for the cessation of all hostilities, the phased withdrawal of South African forces, and free elections under U.N. supervision. South Africa has said that it will not implement Resolution 435 without a satisfactory commitment by the Angolan Government on the parallel withdrawal of Cuban forces from Angola. In the fall of 1984, the Angolans made a formal proposal on the numbers and timing of Cuban troop withdrawal. South Africa responded with its own proposals. The United States is committed to the U.N. plan and has been playing a mediating role in negotiations between South Africa and Angola.

A South African Government proclamation in June 1985 gave considerable autonomy over internal affairs to a group of internal political parties, known as the Multiparty Conference (MPC). The MPC formed a "Transitional Government of National Unity," more widely known as the "interim government." A number of parties opposed to South African rule refused to join the MPC. Among these parties was SWAPO, which is waging a guerrilla war against South African rule from outside the country but is still allowed to operate as a political party in Namibia, despite harassment by the authorities. A number of other parties, including a major part of The Southwest Africa National Union, the oldest nonviolent opposition group, also refused to join the MPC. A South African appointed Administrator General still sits in Windhoek but with drastically reduced powers. The United States and the rest of the international community do not recognize the interim government and hold the Republic of South Africa responsible for the actions of the Namibian authorities it has appointed.

A majority (60 percent) of Namibians live by subsistence agriculture. The economy relies on mining, ranching, and fishing. A weak and unstable market for minerals, persistent drought, and overfishing by some foreign concerns--particularly from the Soviet bloc--have caused a lingering recession. Uncertainty about Namibia's political future has discouraged potential foreign investment. Tourism is one of the few bright spots on the economic horizon. Meanwhile, the South African Government provides almost \$400,000 a day in direct aid to Namibia.

Most reports of human rights violations by government authorities or SWAPO involve actions taken in the war zone in the north. Low-level guerrilla conflict has focused on northern Namibia since 1966 when SWAPO first turned to violence. Sporadic incidents of violence plague the entire country, but most of the fighting takes place along Namibia's border with Angola, especially in the Ovamboland region. The Ovambo ethnic group comprises about 50 percent of Namibia's

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population and provides the main support for SWAPO. In recent years, the combat has been conducted by small groups belonging to SWAPO's military branch, the People's Liberation Army of Namibia (PLAN). SWAPO uses the denser foliage of the rainy season to infiltrate annually northern Namibia from bases in Angola and to carry out sabotage missions. The South African Defense Force (SADF) and the South West African Territorial Force (SWATF) attempt to root out the SWAPO teams and on several occasions in 1985 conducted major "hot pursuit" operations across the border into Angola. A police counter insurgency force known as "Koevoet," (meaning crowbar) has played a prominent role in combat operations.

There were a number of civilian deaths attributed to both government security forces and to SWAPO, including a number caused by mines or bombs planted by SWAPO in public places. 1985 saw a continuation of arbitrary detention without access to counsel or visits by family members and of torture and other abuses by security forces. However, in 1985 a number of prisoners were released.

RESPECT FOR HUMAN RIGHTS

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

a. Political killing

As an arena of guerrilla conflict, Namibia has seen a number of deaths due to terrorist bombings. Post offices, schools, and other government buildings in the north are heavily barricaded and patrolled. According to security forces, land mines planted in roads in Ovamboland and even farther south have claimed the lives of 15 civilians, with an additional 41 civilians killed in other SWAPO actions. SWAPO guerrillas have reportedly murdered some Ovambo civilians, apparently in an attempt to intimidate others from cooperating with the South African Government.

The SADF and SWATF and the police have themselves been accused of murder. It is a familiar axiom that SWAPO guerrillas who are captured rarely see the inside of a courtroom, and killing or disappearance of captives who refuse to cooperate with authorities have been reported. Defense officials insist that they investigate all charges of murder. They also assert that the murders they have confirmed are acts of indiscipline and not policy. Critics contend that the SADF/SWATF sometimes do nothing, even when informed of instances of misconduct. In October, in a case given considerable publicity, two SADF servicemen were convicted of murdering an Ovambo shopkeeper in February. The two men were given jail terms of 22 and 18 years respectively.

Some clergymen and human rights activists have accused the police paramilitary unit known as "Koevoet," of numerous atrocities, including murder (the name "Koevoet" was dropped in mid-1985 when the unit came under the authority of the Southwest Africa Police, reporting to the interim government). On January 26, 1985, the South African Government agreed to pay \$35,000 in damages, along with legal costs, to settle claims of an alleged unlawful killing and a series of assaults by Koevoet. No criminal prosecutions, for which a higher standard of proof is required, have resulted from these cases.

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On January 27, 1985, Thomas Shindoba Nikanur, a contract miner with Consolidated Diamond Mines in Oranjemund, died while in detention in Osire. Nikanur had been detained under security legislation and, according to security police, allegedly had hung himself with his own socks. An official inquest into his death was launched on September 30 but was later postponed to January 27, 1986.

b. Disappearance

The security forces are not obliged to notify anyone when a person is detained and often hold detainees incommunicado. They are sometimes accused of ignoring requests for information from family members and friends of those who have been detained. As a result, some Namibians have "disappeared" only to turn up in detention cells.

SWAPO reportedly uses abductions to win recruits, although SWAPO officials contend that all its recruits join voluntarily. In May, news accounts reported that SWAPO forces had abducted some 80 Ovambo school children from a school near Oshakati. Sixteen of the children subsequently escaped. The reported number of those involved was later revised downward. Nevertheless, the episode seemed a large-scale revival of a tactic which SWAPO had apparently discontinued several years ago because of the negative publicity which ensued. A SADF officer said smaller scale SWAPO abductions remain a common feature of life in Ovamboland.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Political leaders, clergymen, and others regularly make detailed allegations that the police and security forces have engaged in brutal treatment against civilians, both in and out of detention, including the use of solitary confinement and beatings. Several civil cases in 1985 confirm at least a few of these allegations. Documents filed in a court case in 1985 contained statements that the plaintiff, a Mr. Katofa, had, during the initial stages of his detention, been "assaulted from time to time by members of the security police." Security officials point to these court cases as proof that claims are investigated and, if valid, pursued in legal channels.

Several attorneys and journalists have asserted that security forces in the north are ruthless when extracting information from alleged SWAPO sympathizers or agents.

d. Arbitrary Arrest, Detention, or Exile

Two key articles of security legislation, enacted into law via proclamations by the Administrator General (AG 9 and AG 26), give security forces to broad detention power. AG 9 of 1977 constitutes the legal basis for most detentions and permits 30-day detentions without charge of anyone deemed to have committed an offense, to be planning an offense, or to have knowledge of an offense. Security forces are considered to include the police, the railway police, the South African Defense Force, and the South West Africa Territorial Force. Namibians detained under AG 9 are denied access to legal counsel, except with permission from the cabinet of the interim government. AG 9 initially applied only to the far northern areas of Namibia. However, since 1979 the "security

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districts" have been extended south to include most central areas, including Windhoek. Altogether, more than 80 percent of the population is subject to AG 9.

In security cases another provision, AG 26, allows indefinite detention without trial, under authorization from the cabinet (previously from the Administrator General). AG 26 also provides several constructive guarantees not provided by AG 9. It states that detainees are entitled to a copy of the arrest warrant and to reasons for the arrest in writing. It further stipulates that they are also entitled to visits by medical practitioners and magistrates. AG 26 also provides for a review committee, but the cabinet is not required to follow review committee recommendations. The record in enforcing AG 26 rights is mixed. Persons detained under AG 26 are rarely aware of their rights and even more rarely have access to legal counsel prepared to pursue those rights. However, in at least two cases taken up by attorneys legal action or the threat of such action won releases. The Katofa case was one instance. Until mid-1985 Namibians detained under security legislation had no recourse to the courts. In 1985, however, attorneys for Mr. Katofa, who was detained under AG 26, applied in the Windhoek Supreme Court seeking legal access. They pointed out that the Administrator General had been replaced by the interim government, which owed its establishment to a South African Government proclamation containing the MPC's "bill of fundamental rights." These rights included one that guarantees "no one shall be detained for an indefinite period of time without a fair and proper trial by a court." The Windhoek Supreme Court found that the cabinet had failed to show sufficient cause and ordered Katofa's release. In another 1985 case, the threat of legal action won release of an AG 26 detainee, Mr. Abed Christian. Section 6 of the South African Terrorism Act 83 of 1967 still applies in Namibia. However, it is rarely invoked as grounds for detention.

South African State President P.W. Botha stated in Parliament that as of February 1985, 54 persons were being detained without trial for periods of more than 30 days. He also said that another seven were being held indefinitely under provisions of AG 26. On November 14, 1985, interim government Minister of Justice Fanuel Kozonquizi stated that 50 Namibians were being held under AG 9, primarily because they are "witnesses" in pending trials, and that another 6 were being held under AG 26.

The Newspaper, The Namibian, publishes a weekly column listing those known to be in detention and those believed to be in detention. Its November 8 edition listed those figures as 22 and 23, respectively. Among those known to be detained without trial is Petrus Haimbondi, reportedly detained in 1981, who was the only known intern of the Keikanachab Camp outside Mariental not released from custody when the camp was closed in late 1984. On October 22, 1985, a senior member of the Evangelical Lutheran church, Rev. Junius Kaapanda, was taken into custody under security legislation. He was still being held at the end of the year.

In the recent past some detainees were released subject to certain restrictions, as under the South African Internal Security Act. These restrictions usually entailed strict curfew hours, confinement to the city of residence, and a prohibition on meetings with more than four other persons. In

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1985, 19-year-old restrictions were lifted against Nathaniel Maxwillili, a SWAPO acting president living in Walvis Bay. In late October, the interim government lifted the ban on a Roman Catholic priest, Father Herman Klein-Hitpass, who had been exiled from Namibia to Walvis Bay in 1978. No reliable statistics exist on others who remain in restriction.

In late 1983, the Administrator General established a commission of inquiry to make recommendations on the "adequacy, fairness and efficacy of legislation pertaining to the internal security of the territory." The commission was chaired by Justice H.P. Van Dyk and conducted hearings throughout the country during 1984. In late 1985, the commission's report was handed to the interim government cabinet. The report has not yet been made public.

There is no forced labor in Namibia.

e. Denial of Fair Public Trial

On November 14, the interim government released 21 SWAPO members who had been transferred several months earlier from Robben Island prison in South Africa. Robben Island is reserved for political prisoners. All but four of the released men had been serving life sentences for violations of the Terrorism Act. Fourteen of them had been sentenced together on February 9, 1968, after one of the most important political trials affecting Namibia. SWAPO Secretary-General Toivo Ja Toivo, who was released from Robben Island in 1984, was also sentenced at this 1968 trial. The interim government cabinet said it had taken the decision to release the prisoners "within the spirit of national reconciliation." Also on November 14, the interim government released from Windhoek central prison another SWAPO member who had served 5 years of a 7-year sentence.

Many detainees are held without charges under AG 9 and AG 26. However, persons brought to trial can expect a hearing based on the legal merits of their case. They have access to legal counsel and can expect the charges against them to be clearly stated. The judiciary has demonstrated independence from government intimidation.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Security legislation allows the security forces almost unlimited powers of search and seizure. In the operational area--the sectors along the northern border--invasion of home is said to be routine. On May 27 security police raided the homes of 11 senior SWAPO members in Windhoek and the southern city of Gibeon. This night raid saw the confiscation of SWAPO literature, pamphlets, and badges. Cars are regularly stopped and searched when entering checkpoints to the northern region; they are also periodically stopped and scrutinized when entering or leaving government installations in the operational area.

Politically active Namibians regularly complain that the authorities keep them under surveillance. Security police, often disguised as businessmen, reportedly have offered money to activists' friends in return for information on their movements. In December 1984, a prominent Namibian journalist found in her mail a top secret instruction from the Pretoria

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police to the postmaster in Windhoek ordering that her mail be screened. The journalist revealed the letter to the press and was promptly arrested for violating the Official Secrets Act and the Post Office Act. The charges were withdrawn January 31, 1985.

In 1977, Judge T. Marthinus Steyn used his tenure as Administrator General to ease apartheid in Namibia. Laws prohibiting interracial marriage and sexual relations were repealed, and laws restricting the movement of individuals based on race were abolished. Today integrated facilities are the rule. Most hotels and restaurants are officially open to all races. However, at least one Windhoek restaurant blatantly maintains a whites-only admission policy. Several others seem to use more subtle methods to discourage nonwhite patrons. Nonwhites reportedly face open hostility from white thugs when attempting to use the municipal swimming pool. Poverty restricts most blacks and coloreds from moving out of their respective townships into the white neighborhoods of Windhoek. In December 1985, Namibia's libraries, including the Windhoek public library, which were operated by the second-tier Administration for Whites were opened to nonwhites.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Namibian newspapers are subject to South African press laws, including the Internal Security Act of 1950. These laws limit reporting on certain matters such as military affairs and prisons. Yet even with this restriction, the Namibian press often contains lively and irreverent reporting, and its editorial writing regularly includes anti-South African and even pro-SWAPO comment. Newspapers have embarrassed the interim government with disclosures of the salaries and perquisites provided to MPC representatives. The installation of the interim government, whose bill of fundamental rights guarantees the freedom of expression, suggested a looser rein on the press. However, the cabinet required an \$8,000 deposit from the owners of The Namibian newspaper before allowing them to publish the newspaper's inaugural edition on August 30, 1985.

Publications which are banned in South Africa are also banned in Namibia. However, Windhoek book and periodical retailers carry many publications which one would not find in South Africa. Censorship laws seem to be less stringently applied in Namibia than in South Africa.

b. Freedom of Peaceful Assembly and Association

On June 17, 1985, critics of the interim government organized a peaceful demonstration to protest the installation of the government. The demonstration took place in Katutura, a subsection of Windhoek. Security police, many of them "Koevoet" members, disrupted the event and brutally dispersed participants. Church observers reported that over 70 people had been injured: one was a pregnant woman who subsequently suffered a miscarriage. The interim government pledged to pursue the matter, but no convictions resulted.

All political parties must apply for permission to convene meetings. The Prohibition and Notification of Meetings Act of 1981 bars any political party from holding a public meeting of

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a certain size if that party advocates violence as a means of changing the status quo. This provision has allowed the government to limit the political activities of SWAPO members. In 1985, applications of the faction of the South West Africa Union (SWANU) which refused to join the interim government were also denied. This group is an important part of the nonviolent opposition to the interim government. On August 25, 1985, police arrested 52 people during preparations for a commemoration in Katatura of the 19th anniversary of the "armed struggle" in Namibia. On August 26, police dispersed a demonstration which followed the court appearances of those arrested the previous day. The case was subsequently postponed twice. On September 30, the date of one postponement, police arrested 75 people outside the Windhoek magistrate's court under the Demonstrations in or near Court Buildings Prohibition Act of 1982. This law had been made applicable to Namibia on June 15, 1985,--2 days before the inauguration of the interim government, even though the interim government's bill of fundamental rights guarantees the right of "peaceful assembly."

Six labor unions are registered in Namibia, and all are nominally open to all races. Only one of the six has a sizable black membership: the Mine Workers Union (MWU) based in Tsumeb. The Department of Civic Affairs reports that only the MWU and the Municipal Staff Association are functioning labor organizations. The MWU is represented in only one of the three mining firms. Neither union has been noticeably active. Migrant labor is a staple of the mining and fishing industries. Many of the migrant workers are Ovambos unwilling to risk being discharged and forced back to the operational area by loss of their income, a situation which may discourage labor militancy.

In November, the Namibian national assembly approved a bill prohibiting outsiders from forming trade unions and employers organizations in the territory. A cabinet spokesman said the bill was not intended to restrict the right of Namibians to form trade unions but to ensure that they exercise that right on their own initiative free from outside influences.

c. Freedom of Religion

Namibians enjoy complete freedom of religion. Almost all Namibians are Christians. The Lutheran church has by far the largest share of adherents: the 1985 merger of two Lutheran branches formed the Evangelical Lutheran Church, to which 7 out of 10 Namibians belong. The Catholic, Anglican, Methodist, and Dutch Reformed churches are also active.

Most church officials are openly critical of the South African and interim governments and complain that this stance causes them to be regularly harassed and inconvenienced by the authorities. Clerics have been affected by detentions and passport denials. The interim government reportedly delayed one education aid project sponsored by the Namibian Council of Churches until the project was taken over by a secular group. Several South African Defense Force officials have argued that the clerics are SWAPO sympathizers and supporters. The clerics deny allegiance to SWAPO, stating only that they wish to see Namibia become independent. Clergymen in northern Namibia complain that security regulations hamper their travel to outlying areas.

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The military conscription system makes no provision for conscientious objectors.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

On February 26, 1985, the Administrator General issued an order under the Security Districts Proclamation which states that no person may enter six northern and northeastern districts without first obtaining a permit issued by the police. The districts are Ovamboland, Kavango, Kaokoland, Eastern Caprivi, Bushmanland, and Hereroland east. Everyone must apply in person at a police station and fill out a form giving their reason for travel. Approval of such applications can take up to 2 weeks. Since the order was issued, several people have been denied permits. In at least one case, the police refused to give reasons for the denial.

Clerics in northern Namibia complain that these regulations greatly restrict their ability to attend to their congregations, particularly when they must travel from Ovamboland into Kavango. One church leader was offered a multiple-entry permit, but he rejected it as an illegitimate special privilege.

Though enforcement of the requirement that travelers present permits at roadway checkpoints leading into the northern sectors has reportedly grown lax during the latter half of 1985, travelers without permits still risk being turned away. A dusk-to-dawn curfew in the operational area also restricts freedom of movement. In addition, the potential danger of land mines discourages travel on nontarred roads.

The authorities control travel beyond South Africa through denials of passports or "travel documents," which are required of Namibians seeking to journey overseas. Those persons deemed to be sympathetic to SWAPO or who are officially associated with SWAPO are usually given passports valid for only 1 year rather than the regular 5-year period. For example, Roman Catholic Bishop Boniface Haushiku has been denied written requests for a 5-year passport and issued passports valid only for one year. Editor of the Namibian, Gwen Lister, and SWAPO Secretary-General Toivo Ja Toivo are other examples. In some cases, individuals are refused passports altogether, as in the 1985 case of SWAPO internal Foreign Affairs Secretary Nico Bessinger. All persons entering South Africa or Namibia must have a passport and visa unless they can prove to be South African or Namibian by law or descent.

In November, the national assembly passed a law requiring non-Namibians to apply for special permits if they wish to reside in Namibia for longer than 30 days. The law also provides for the deportation of people deemed to be "detrimental to the welfare of the territory or its inhabitants."

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

Namibians do not have the right to change their government. Ruled by an Administrator General prior to June 17, 1985, they are now ruled by South Africa through an interim government which they did not elect and which is not accountable to

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them. Ostensibly, the MPC interim government has full control over all government portfolios, excepting defense and foreign affairs, which the South African Government retains. The six parties of the MPC divided the cabinet seats among themselves after sustained negotiations. No elections were held. The cabinet enacts legislation through a national assembly, whose members were also appointed by the parties.

In 1978, the prospect of independence led to the creation of a number of political parties seeking representation via the election mandated by United Nations Resolution 435. At one period, some 44 political organizations existed, several of which had only a handful of members. About a dozen political parties have credible structures and membership rolls. Six of these "credible" parties take part in the interim government.

The interim government inherited a complex three-tier administrative structure. The first-tier is the central government level. The second-tier authorities are separate ethnic governing bodies representing each of the 10 officially designated population groups. Third-tier authorities, such as municipal governments and village management boards, provide local services. The control of facilities such as schools, hospitals, and libraries by the ethnic second-tier authorities tends to reserve the best available facilities for whites, who enjoy a much higher tax base. The issue of whether to dismantle the second-tier structure or if not, how to amend it, is the most divisive question facing the interim government. Unable to resolve the matter, the cabinet and national assembly in September 1985 created a constitutional council charged with arriving at a compromise on this and other constitutional issues.

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

Critics of Namibia's human rights situation have visited Namibia. U.S. Senator Edward Kennedy paid a 1-day visit to Windhoek in January 1985. A labor party delegation from the United Kingdom's House of Commons journeyed through Namibia in early 1985. The Namibian Council of Churches occasionally sponsors visits of individuals and groups critical of the internal situation. The Namibia Communications Center, an ecumenical agency based in London, chronicles reported human rights abuses in Namibia.

Amnesty International, in its 1985 Report (covering 1984), expressed concern about the detention without trial of political detainees and the allegations that some detainees were tortured and ill-treated. In its 1985-86 report, Freedom House upgraded Namibia to "partly free" based on the establishment of a "semblance of home rule and self-determination in 1985."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Namibia's population of 1.1 million (7 percent white, 93 percent black) is growing at the rate of 3.1 percent a year. Per capita gross national product was \$1,935 in 1982 but is misleading because Namibia is a blend of two economies: one modern and sophisticated, the other traditional and based on subsistence-level agriculture. Some 60 percent of Namibia's labor force works in agriculture; the vast majority,

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particularly in the north, is employed in the traditional sector. Whites dominate the modern sector. Some blacks find work in the modern sector but primarily in the lower echelons.

Mining is the single most important economic activity, contributing over a quarter of the gross domestic product. Some mining firms--particularly in the diamond mining industry--have been accused of overmining in anticipation of Namibian independence. Other allegations are that Namibia has lost revenue on diamond exports due to schemes such as secret exchanges of high-quality Namibia diamonds for lower-quality diamonds from South Africa. An independent commission, chaired by Judge P.W. Thirion, conducted an inquiry into alleged maladministration and corruption in government and also examined the mining sector. In November 1985, the commission delivered its report to the cabinet of the interim government. The report will not be published until the cabinet authorizes its release. The fishing industry also faces concerns that its resources are being depleted. There has been large-scale indiscriminate fishing in Namibian waters by foreign fleets, particularly those from the Soviet bloc countries.

Life expectancy at birth is approximately 61.5 years, and the infant mortality rate (1985) is 113 per 1,000 live births. Calorie supply as a percentage of requirements was 99 percent in 1977, the most recent year for which data are available. Literacy figures (1983) are 100 percent for whites and 28 percent for blacks, with primary school attendance 100 percent for whites and 16 percent for blacks.

The South African Government gives Namibia direct budgetary aid of roughly \$400,000 a day. In addition, it annually guarantees loans of \$72 million to Namibians by third parties. Namibian government officials insist that the territory can become financially self-sufficient upon independence but concede that such an accomplishment will not come easily. The development of a gas field off the southern coast promises revenue and employment potential.

There is no minimum wage in Namibia. The minimum working age is 15. Reliable information about the extent to which occupational health and safety standards are enforced in Namibia is not readily available.

Women encounter considerable difficulties in both traditional and modern settings. Under traditional practice, a woman is usually the ward of her father or, when married, her husband. She is never independent. Women in the modern sector complain of discrimination in employment and in financial affairs. Women's groups have been formed generally under the auspices of the churches. Women are represented in the national assembly, though not in the cabinet. In 1985 the Council of Churches helped establish a women's organization, Namibian Women's Voice (NWV), whose representatives traveled to Nairobi for the U.N. conference marking the end of the U.N. decade for women. In Nairobi, these 18 women joined 18 Namibians in exile and sat together as a united delegation. The NWV has undertaken projects commemorating the role of women in Namibia's history.

SUDAN

Sudan is in transition. An era ended on April 6, 1985, when professional elites and senior military officers combined to overthrow the 16-year government of President Jaafar Nimeiri. The beginning of the end came with the public hanging on January 18 of a 76-year old religious thinker on charges of apostasy. Many Sudanese deemed the hanging an outrageous violation of Sudan's traditional tolerance. In subsequent months, unresolved civil war in the south, arguments over Shari'a law, a worsening economy, revelations about drought and starvation, and finally price increases on staples led to public demonstrations that triggered Nimeiri's fall. Military leaders set up a 15-member Transitional Military Council (TMC) chaired by Lt. General Abdel Rahman Sower el Dahab. In consultation with Sudan's leading political parties, unions, and professional associations, the TMC chose a civilian cabinet headed by Prime Minister Dr. el Gizouli Dafalla. The TMC, however, retains executive power. On October 10, the TMC approved a transitional Constitution providing for decentralization of government and observance of basic human rights, e.g., freedom of speech. Almost 40 political parties, representing all ideological and regional viewpoints, have emerged in anticipation of elections scheduled for April 1986, when the transitional period will end.

Despite the new Government's expressed desire for national reconciliation and unity, it has been unable to end the southern insurgency that resumed in 1983 after Nimeiri breached southern autonomy and imposed Islamic laws (Shari'a). In April, the TMC called on Col. John Garang de Mabior, leader of the Sudan People's Liberation Army/Movement (SPLA/SPLM), to negotiate, but he refused, claiming distrust of the TMC. The SPLM has, however, maintained contacts with the civilian Council of Ministers (CM), southerners, and other Sudanese. In October, Garang declared a cease-fire and hinted at sending a delegation to talk with civilians. In the south, many innocent civilians continue to suffer from the fighting and breakdown in law and order.

Despite vast agricultural potential, Sudan is in economic and social crisis. In 1985, drought-related famine affected nearly one-third of all Sudanese. Poor management, transportation, and communications hampered massive foreign relief. Strong rains started in 1985, but Sudan will suffer the consequences of the prolonged drought for years. Besides this natural disaster, overcentralization of economic policy, reliance on foreign aid for food and fuel, and a foreign debt exceeding \$9 billion have contributed to falling living standards. Two promising projects in the south--an oil pipeline and the Jonglei Canal--were stopped indefinitely by the SPLA because southerners saw few benefits in them. Approximately 1.4 million refugees and displaced persons (mostly Ethiopians in eastern Sudan, Ugandans in the south, and Chadians in the west) add to Sudan's burden.

There were positive human rights developments in 1985. Since Nimeiri's overthrow, Sudan's leaders have advocated democracy and moved cautiously toward pluralism. The TMC dismantled the secret police, freed about 1,000 political prisoners, repealed laws banning strikes, and removed press restrictions. However, the Government imposed a state of emergency soon after taking power and banned marches after ethnic clashes in September. The Shari'a laws introduced in 1983 remain on the

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books and apply to Muslims and non-Muslims alike. Since April 6, five amputation sentences have been sustained by higher courts but none has been carried out. Former government officials currently face charges under the old security regulations that carry such penalties as amputation and posthumous crucifixion. About 264 political prisoners are currently in detention. Most of the detained are soldiers implicated in an alleged antigovernment plot in September. Others, perhaps 50, are former government officials.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

The execution of Taha, the 76-year old religious thinker, though preceded by a trial before the standing courts, was widely viewed as a political killing. Although the legal system still functions under the September 1983 laws that condemned Taha, no executions have taken place since January 1985. The charges pending against former associates of President Nimeiri theoretically carry severe sentences, including capital punishment. Those accused have the right of defense and representation by an attorney.

Ethnic violence that may have political overtones persists and has resulted in recent deaths in Khartoum, south Kordofan, and parts of southern Sudan. During September, an estimated seven Sudanese died in demonstrations in Khartoum, organized by the National Islamic Front with participation of TMC members. The riot police acted with restraint; the deaths resulted from clashes between northern and southern Sudanese. In the south, where ethnic rivalries prevail, political killings have also taken place. In August 1985, the SPLA announced that it had killed William Abdulla Chuol, leader of the insurgent Anyanya II forces which last year opted for cooperation with Nimeiri. The SPLA viewed Chuol as a traitor. In the upper Nile region and eastern Bahr al-Ghazal, where government forces control only the garrison towns, killings result more from robbery and cattle rustling associated with traditional ethnic rivalries than from politics. Nevertheless, civilian deaths caused by SPLA penetrations into eastern Equatoria near Lafon, Kabuyta, and Torit and in south Kordofan are politically related. Government and insurgent troops have also traded accusations of human rights violations.

b. Disappearance

There were no known abductions by Sudanese government agencies, but one German citizen is being held by the guerrillas. The possibility of disappearances from areas outside government control cannot be excluded; Equatorians in particular have accused the SPLA of abducting persons during raids in their region.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Sudan's new Government has committed itself to ending torture by the Government. Some state security officials were tried for the torture of Ba'athist politicians under the former regime. One of the accused was acquitted, but was

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subsequently rearrested (now released pending new charges). There have been no reported cases of torture since April 6. Amnesty International noted in its 1985 Report that over 65 people had been sentenced to amputation and over 200 to flogging in 1984.

The criminal code introduced as Shari'a legislation in 1983 contains penalties based on Koranic injunctions. Public lashing of both men and women is prescribed for such offenses as drinking/possessing liquor, blasphemy, gambling, illegal possession of commodities, and public disturbance. A fine or imprisonment may supplement the sentence. Newspapers have reported sentences involving both fines and lashings since April 6. Sources suggest that lashing continues but is used less frequently and in a milder form than that applied by the former regime. In any case, no public pronouncements about it have been made, in contrast with the practice of the former government. No sentences with penalties exceeding 25 lashes have been made public; the maximum possible lashing sentence is 100 lashes. The law also mandates right-hand amputation for thefts exceeding \$40 and cross-limb (right hand, left foot) amputation for more serious and repeat offenders. Although five amputation sentences have been confirmed by higher courts since April 6, none has been carried out. Persons injured through commission of a criminal act by another may invoke the right of retribution instead of accepting monetary compensation. Since April 6, no case of this type has been reported. Adultery by Muslims and recurrent homosexuality are capital crimes, but the stringent requirements for proof (four male eyewitnesses for adultery) have precluded such severe sentences. The new Government appears not to be prosecuting "moral" crimes with the zeal of the former regime. Indeed, HADD (Islamic) punishments virtually disappeared following the hanging of Taha in January.

Conditions in Sudanese prisons are poor. Food and care meet minimal standards. Because of overcrowding and lax security, prisoners are sometimes shackled. On the other hand, authorities may permit prisoners to go home during the day, requiring them to return only at night. Sudanese authorities also allow relatives to bring food to detainees.

d. Arbitrary Arrest, Detention, or Exile

The Sudanese Constitution guarantees habeas corpus and requires a court-issued warrant to arrest a citizen. The State Security Act of 1975, however, authorizes arrest without a warrant and preventive detention for renewable 90-day periods on security grounds. At the end of 1985, these practices remained in force, following the recent upholding of the Act by the Supreme Court. The Act's recent incorporation into the penal code extends the harsher penalties of the code to a variety of offenses not considered grave unless linked to security concerns. For example, the Act permits the State to charge individuals accused of economic subversion or corruption with treason.

In the Taha case, the distribution of antigovernment leaflets would have brought a maximum penalty of 5 years imprisonment under the Act, but the charge under the penal code for the same offense, recast as waging war against the Government, carried the death penalty. Former presidential advisor Baha al-Din Muhammed Idris was recently tried by a state security tribunal for "high treason and espionage" on nine charges

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which arose from various alleged economic deals and which carry a possible death penalty. He was sentenced on charges of corruption to 10 years in prison and a fine of roughly \$1.2 million. Likewise, the Government, with prosecution led by the Attorney General himself, charged former Vice President Omar Mohamed el Tayyeb with treason for the transport of Falasha Jews to Israel. The 9 charges against him entailed violations of 18 articles of the penal code. His trial continued into 1986.

Because of the state of emergency in force since April 6, the impact of constitutional guarantees remains questionable. The attorney general, magistrates, or police officials may arrest persons without warrants although all arrests are made public. Under the former government, the President appointed judges. Although the judicial structure remains in place, a panel of qualified persons now selects magistrates. This panel also administers preventive detention. The law still mandates use of tangible property as bail. Financial disputes require bond until settlement. Traffic injury or death cases may require bonds of up to \$1,000. Bond may also be required for nonphysical charges such as defamation.

Well-informed and reliable sources estimate the number of political detainees at about 264, most of them interned after the revelation in September of an alleged antigovernment plot involving mainly Nubans and southerners. Among those held initially were university professors and persons formerly alleged to have plotted coups such as Nuban priest Philip Abbas Ghabboush who was later released in January; Ghabboush was previously jailed by Nimeiri between October 1984 and January 1985 when he was amnestied. The other political detainees--former government officials, state security organization personnel, ex-leaders of the Sudanese Socialist Union (formerly the sole political party) and ex-governors--include those under house arrest as well as those in prison. There is no incommunicado detention and no forced labor in Sudan.

e. Denial of Fair Public Trial

The new Government did not rush into a series of quick trials of former government officials. Many of those detained following the revolution were soon released. Lengthy investigations preceded the formulation of charges against those now being tried. Both the Idris and al Tayyeb trials have been televised. Cross-examination of both prosecution and defense witnesses has taken place. During the Idris trial, however, the defense was refused the opportunity of cross-examination of a prosecution witness on at least one occasion. The case is now on appeal. The other four potential defendants in the Tayyeb case have turned state's evidence in exchange for a pardon. The Government will also try former President Nimeiri in absentia.

Theoretically, defendants may choose their own lawyers. In the Baha al Din Idris case, however, the attorney general called on attorneys to refuse to serve as defense counsel. Persons charged with minor crimes often go without counsel; the Government sometimes provides legal aid to those charged with serious crimes if they cannot afford a lawyer. Khartoum university students maintain a legal aid service. A new legal aid society, formed by practicing lawyers, has found office space but has not yet begun to function.

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In more common cases, the judicial process involves a police or magistrate investigation, a field report, an arrest warrant, the arrest, and a trial before a panel of three judges. Sudanese now view the judiciary in Sudan as independent because judges feel less subject to arbitrary removal. Some of the judges displaced following the institution of the Sharia system have regained their former positions. Like the country in general, judicial proceedings remain in a state of flux. The Islam-based penal code remains the law of the land under the present Government. With the exception of the fundamentalist National Islamic Front, all major political parties advocate some modification of the former legal system in a way that would moderate application of HADD punishments. The predominantly Muslim groups, however, favor retention of an Islamic-oriented legal system. No persons have been sentenced to imprisonment for political beliefs or acts under the new Government, and none has been sentenced to exile.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The only documented cases of arbitrary interference reported since April involved searches of homes following the revelation of an alleged antigovernment plot in September. Refugees and drought victims constitute the only population movements in Sudan. The Government has periodically moved refugees to new camps, and returned drought victims to their home regions. There is no solid evidence, however, that these people objected to the movements.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Although radio and television, as well as some magazines and newspapers, remain under government ownership, Sudan's new leaders vigorously defend the freedoms of speech and the press embodied in the transitional Constitution. In the aftermath of the coup, party newspapers, notably the Ba'ath (al-Hadaf), the Communist (al-Maydan), and the National Islamic Front (al-Rayah) rushed into print. Trade unions and other groups plan to publish papers soon. The press is carefully monitoring Sudan's progress toward democratic rule and will undoubtedly protest if there are delays. Criticism that was formerly heard only in private is now voiced openly and loudly. Academic freedom is not restrained. Shortly after the change in government, however, a number of journalists closely associated with the Nimeiri regime were purged.

b. Freedom of Peaceful Assembly and Association

Prior to April 6, Sudanese gathered in public to protest acts such as the execution of Taha. Antigovernment demonstrations that preceded the change of government were met with restraint by the authorities. In the aftermath of the coup, freedom of assembly prevailed until the National Islamic Front-inspired "security" march in September resulted in seven deaths. Since that time, public marches have been officially banned, but some have taken place without interference. There is no ban on meetings.

The new transitional Constitution guarantees the right of workers and political parties to organize. In the past, the

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unionized work force was estimated at 7 percent. Among the Government's first acts was to abolish legislation that prohibited strikes. The primary labor organizations are the Sudanese Workers Trade Union Federation (SWTUF), the Sudanese Federation of Employees Trade Unions (SFETU), and the Trade Unions Alliance (TUA), representing respectively blue collar, nonprofessional white collar, and professional white collar unions. The SWTUF and SFETU existed before the April change of government, but the TUA arose from an alliance of those professional unions that former President Nimeiri had abolished following the doctors' strike of March-April 1984. The TUA has joined with all major political parties (excluding the National Islamic Front) to form the National Alliance for the Salvation of the Country (NASC). Because the civilian Cabinet was drawn from among NASC supporters and was chosen in cooperation with them, the NASC maintains close ties to it. The SWTUF has complained periodically to the attorney general about his interference in trade union law, arrests of trade union leaders connected with the former regime, and support for the NASC which it views as a political rather than a labor organization. The National Islamic Front, excluded from the NASC, joined with others involved in the September "security march" to form a new "security alliance" to rival the NASC. Unlike the NASC, which favors negotiations with the SPLA, the new group tends to advocate a military solution if Col. Garang rejects present government overtures for dialogue. Trade unions from all parts of Sudan are represented in these federations.

The Sudanese labor union movement has a long and distinguished history. Today, the SWTUF participates in both regional and international labor activities. A number of strikes have taken place since the coup in April, and more can be anticipated as trade union workers strive to improve their status. Thus far, the Government has conceded substantial wage and benefit increases in settling or forestalling strike action.

c. Freedom of Religion

Islam predominates in the northern two-thirds of Sudan, while traditional African religions and Christianity are the major beliefs in the south. Small Christian (Coptic, Greek, Syrian, Armenian) and minuscule Jewish communities in the north exist primarily in Khartoum. Non-Muslim southerners have migrated to northern cities in search of work. The new Constitution retains Islamic law and custom as the main source of legislation, although most southerners oppose it as inherently discriminatory against them. Both Islam and Christianity are recognized as religions of Sudan. However, adherents to other religious beliefs are not restricted.

The Sudanese Government supports mosques and Muslim educational projects; government schools include both Muslim and Christian religious education. Muslims, Christians, and Jews maintain centralized offices in Khartoum for administration and keeping records such as birth certificates. Both Muslim and Christian missionaries are active in Sudan. Christian education, health, and welfare projects operate freely, especially in the south. Christians are free to maintain strong ties with coreligionists outside Sudan. Sudanese of the major religious groups participate in

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all strata of government, security institutions, and private organizations. Religious groups do not face discrimination under the present Government.

The Umma, Democratic Unionist Party, and National Islamic Front reflect the memberships of the Ansar, Khatmiyya, and conservative Muslims, respectively. Anti-Christian tensions which existed in parts of south Kordofan in 1984 appear to have abated, and no harassment of Christian institutions has occurred recently. That area includes adherents of all major religious groups in Sudan.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The new Sudanese Constitution, like that of 1973, guarantees freedom of movement. Internal movement of both foreigners and Sudanese, however, is sometimes controlled. Diplomatic personnel must notify the Government and obtain permission in advance to travel outside Khartoum although the Government has withheld permission only on rare occasions. Some Sudanese now under investigation have been restricted to their home areas pending the filing of charges.

In order to travel outside Sudan, Sudanese and foreigners alike must obtain exit permits. Sudanese desiring to work outside the country for an extended period require a leave of absence from their employers. An active organization of Sudanese expatriate workers exists and held a conference in 1985 to discuss their mutual interests. Because education in Sudan entails heavy government subsidies, members of certain professions must spend a fixed term of service in Sudan before obtaining permission to work abroad. Exit permits are not available to all Sudanese.

Sudan currently hosts approximately 1.4 million refugees and other displaced persons from Ethiopia, Uganda, and Chad. The Government, in cooperation with the United Nations High Commissioner for Refugees (UNHCR) and other international bodies, strives to meet their needs. Private voluntary organizations, including American groups, have contributed substantially to improved health and sanitation. Refugees and displaced persons live in reception centers, camps, and settlements. Despite the burdens of hosting these people, Sudan has not impeded or discouraged their movement into Sudan. The Government prefers, however, that they remain in refugee centers rather than move to urban areas. The new Government has tried former Nimeiri officials for permitting Ethiopian Jewish refugees to resettle in Israel. During 1985, about 50,000 Tigreans returned to Ethiopia after the onset of rains, but their departure was more than offset by a new influx of Eritreans. The 120,000 displaced persons along the Chadian border interact with their compatriots on both sides of the frontier. Sudan hosts about 250,000 Ugandan displaced persons; this group remains generally stable. Refugees in Sudan must possess valid refugee documentation or risk detention, especially in Khartoum.

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

The Transitional Military Committee (TMC) currently holds all executive power, subject to consultations with the civilian Council of Ministers (CM). There is no legislative body.

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Sudan's leaders have repeatedly expressed their commitment to implement a multiparty constitutional democracy after elections now tentatively scheduled for April 1986. It is uncertain, however, if this timetable will be met. Organizing the election will take special efforts. Lack of government control in large areas of the south precludes the holding of elections in all parts of the country. The fundamental political structure of Sudan is also in question. Some Sudanese favor a federal structure, while others prefer centralized control. In the south, most residents of Upper Nile and Bahr al-Ghazal regions advocate southern unity as embodied in the 1972 Addis Ababa Accords, while most Equatorians want three separate southern regions. The present system--instituted April 6--theoretically reunites the south under a higher executive council but also retains features of decentralization. The only large group which at present refuses to participate in political discussion is the SPLA, but it remains widely heard through proxies, its own Ethiopia-based radio station, and almost daily discussion in the press, including interviews with SPLA officials, of its future role in Sudan.

The present Government has affirmed its commitment to help the south; southerners occupy three ministries in the Council of Ministers, including the Deputy Prime Minister position.

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

The present Government welcomes human rights investigations by international bodies. The International Committee of the Red Cross (ICRC) has an office in Sudan while members of other international human rights bodies have made short visits. Both TMC and CM members have spoken frankly with visitors and avoided interfering with their investigations. In August 1985, a Sudanese human rights organization was inaugurated at a meeting attended by 150 members. Academics, lawyers, judges, and students--both men and women--participated in formulating the organization's objectives. The group plans to promote Sudan's adherence to international human rights conventions and to affiliate with the Arab Organization for Human Rights based in Cairo. The new organization is independent of the transitional Government but includes members of the labor group, NASC. International human rights bodies continue to express their opprobrium at the application of HADD punishments in Sudan. Amnesty International, in its 1985 report (covering 1984), was concerned about the Nimeiri Government's incarceration of prisoners of conscience and political prisoners, and the detention without trial of suspected opponents, as well as about allegations of torture. Freedom House rated Sudan "not free" but noted the progress in 1985 in restoring civil liberties since the coup.

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Sudan's economic and social indicators reveal a significant decline in recent years. In 1985, Sudan's estimated population was nearly 23 million; drought, famine, and disease led to a 0.2 percent negative population growth rate in 1985. The per capita gross national product in 1983 (\$400) was 10 percent below the 1982 (\$443) level. Despite its development potential, especially in agriculture, the Government's overly

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aggressive development efforts through much of the 1970's, combined with poor financial management, drought, and insurgency, have created staggering international debt obligations. Development in southern Sudan remains hampered by the insurgency and the lack of government control in many areas. Along with intermittent attempts to cooperate with the International Monetary Fund, Sudan's present rulers continue to press for debt relief and concessionary arrangements for commodity and food supply. At present, the country's financial future is grim.

Facing an infant mortality rate of 113.9 per 1,000 live births, the average Sudanese at birth can expect to live 48.3 years. In 1978, only 45 percent of Sudan's population had access to safe water, although the Government has subsequently promoted water projects to improve health and sanitation. The only available figure for calorie supply as a percentage of requirements (95) dates from 1977; famine afflicted over one-third of Sudan's population during the past year; and only massive international assistance averted widespread starvation. Primary school enrollment figures indicate that 39 percent of females and 55 percent of males, with a combined average of 47.5, attend school. These figures date from 1981 and obscure the educational deterioration in rural Sudan, particularly in the south. Also, many Sudanese teachers have left for better paying jobs in the oil-rich Arab countries.

Sudanese labor law and practice embrace international standards. The workweek is limited to 48 hours, with a full 24-hour rest period. Sudanese labor custom grants an extra month's pay for each year's labor, as well as allowances for transportation and sometimes housing. A new salary scale introduced in August 1985 prescribed a minimum wage of about \$15 per month, but particular skills are rewarded with legally mandated supplements. Annual raises must be a minimum of 5 percent of annual salary. The salary scale for industries sets a higher minimum wage (about \$16 per month) than that for government workers. Under Sudanese law, the minimum age for workers is 16. All workers, even domestic servants, enjoy paid annual holidays prescribed by law. Sudanese labor law also prescribes health and safety standards, but in a country where the general standards are so low, conditions are poorer than those found in the industrialized West. Many young people in Sudan are self-employed or employed in family enterprises.

While men and women retain traditional roles within Sudanese society, women play an active role in the professions and in higher education. In urban areas, they drive automobiles and work in offices with men. Separate educational facilities for men and women, however, are the rule. Sudanese women dress as they please. In urban parts of the north, they often wear the Sudanese female wrapping over Western clothing. Sudanese women participate in both national and international forums. A recent example was the the women's conference held in 1985 in Nairobi. Their writings and interviews appear in newspapers and periodicals. In the rural milieu, men and women also work side-by-side, although a division of labor does exist. Grandparents and other relatives often care for children, thus facilitating employment outside the home. Female circumcision, though illegal, is widely practiced throughout much of Sudan. Efforts to eradicate it have failed so far, despite significant concern among educated women.

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Sudanese, especially those in the periphery, recognize and resent the Government's emphasis on central Sudan and the north, where the Arab population is concentrated. Non-Arab or non-Muslim groups such as the Fur in the west, the Beja in the east, or the Nuba in the Kordofan mountains resist efforts to compromise their unique identities. In the south, a rich mixture of ethno-linguistic clan groups exists. Generally speaking, however, the northern part of Sudan is Muslim and Arabized while the south is non-Arabized African and non-Muslim, with adherents to African religions outnumbering Christians and Muslims.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: SUDAN

	1983	1984	1985	

I.ECON. ASSIST.-TOTAL...	166.3	197.5	303.6	
LOANS.....	50.0	50.0	64.5	
GRANTS.....	116.3	147.5	239.1	
A.AID	115.3	146.3	149.3	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	115.3	146.3	149.3	
(SEC.SUPP.ASSIST.)...	82.3	120.0	114.0	
B.FOOD FOR PEACE.....	51.0	51.1	154.3	
LOANS.....	50.0	50.0	64.5	
GRANTS.....	1.0	1.1	89.8	
TITLE I-TOTAL.....	50.0	50.0	64.5	
REPAY. IN \$-LOANS.....	50.0	50.0	64.5	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	1.0	1.1	89.8	
E.RELIEF.EC.DEV & WFP.	1.0	1.1	89.4	
VOL.RELIEF AGENCY.....	0.0	0.0	0.4	
C.OTHER ECON. ASSIST...	0.0	0.1	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.1	0.0	
PEACE CORPS.....	0.0	0.1	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II.MIL. ASSIST.-TOTAL...	44.3	46.5	46.4	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	44.3	46.5	46.4	
A.MAP GRANTS.....	43.0	45.0	45.0	
B.CREDIT FINANCING....	0.0	0.0	0.0	
C.INTL MIL.ED.TRNG....	1.3	1.5	1.4	
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E.OTHER GRANTS.....	0.0	0.0	0.0	
III.TOTAL ECON. & MIL...	210.6	244.0	350.0	
LOANS.....	50.0	50.0	64.5	
GRANTS.....	160.6	194.0	285.5	

OTHER US LOANS.....	27.4	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	27.4	0.0	0.0	

ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	1946-85

TOTAL.....	132.1	92.9	75.6	1347.2
IBRD	0.0	0.0	0.0	159.2
IFC	0.0	0.0	0.0	33.2
IDA	130.0	91.4	37.5	909.8
IOB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	38.1	116.9
UNDP	2.1	1.5	0.0	84.2
OTHER-UN	0.0	0.0	0.0	43.9
EEC	0.0	0.0	0.0	0.0

SWAZILAND

Swaziland is a modified traditional monarchy ruled currently by a queen regent in conjunction with advisers chosen from senior politicians and traditional leaders associated with the Swazi royal family, along with the ministers of the Cabinet. Swaziland's Government features both "modern" and "traditional" branches--a Cabinet, Parliament, and courts which follow Western law, and a tribal system with "national" courts, which follow Swazi law and custom. The Cabinet is appointed by the monarch after informal consultations with traditional advisers and is responsible to her. On the grounds that the 1968 constitution had introduced political practices i.e., parliamentary government, which are incompatible with the traditional Swazi way of reaching decisions by consensus, the late King Sobhuza II decreed its repeal in 1973, which resulted in repeal of the bill of rights as well. Parliament reopened in January 1979 with some members chosen through an indirect selection process, but the King continued to be vested with the country's executive authority. Since the death of King Sobhuza in 1982, there has been a dispute over the relative role and authority of the modern and traditional elements in government. This dispute resulted in the replacement of the prime minister and the eventual replacement of Queen Regent Dzeliwe by Queen Regent Ntombi. During the same period, Ntombi's son, Prince Makhosetive, was officially declared the heir to the Swazi throne and is expected to become King in April 1986 upon completion of certain traditional ceremonies.

Swaziland has an open market economy with limited government intervention, centered on trade, agriculture, and forestry. The modern sector is dominated by large export-oriented firms, which are frequently foreign-owned. The traditional farming sector employs about 80 percent of the population.

Human rights are generally respected in Swaziland, despite the unusual amalgamation of old and new. The authority of the Swazi crown covers a wide spectrum of Swazi life but is limited in practice by a complex system of traditional rights and responsibilities, which requires that attention be paid to unwritten Swazi custom. Swazi custom does not allow public dissent against the Government, and those who publicly criticize the Government or demonstrate against the authorities have, on occasion, been suppressed. The royal Swazi police are widely regarded as being honest, professional, and efficient, but there are occasional reports of violence against suspected criminals. The judiciary is independent. Individuals are free to associate with others, pursue private interests, and hold property, but political activity is discouraged. Women and minorities suffer from little formal discrimination, and representatives of both groups occupy prominent places in Swazi public life, but tradition restricts the opportunities available to most women. With the exception of five former officials who were detained without charges for most of the year and the banning of two South African publications, no controversial human rights questions arose in 1985.

SWAZILAND

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There were no reports or allegations of political killings.

b. Disappearance

There were no reports of disappearance occurring in the country in 1985.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is, as a rule, not practiced in Swaziland. However, there were some reports of police threats and beatings in the handling of common criminals. Defendants often charge that confessions have been extorted by the police, especially in trials dealing with ritual murder. These charges by the defense are sometimes found to be substantiated by the judges.

Corporal punishment is permitted under Swazi law, and caning is occasionally administered to youths involved in petty or violent crimes. Police jails are often overcrowded and unsanitary, with low nutrition standards, which probably reflects the country's economic limitations rather than any intent to inflict punishment. The country's main prison includes facilities for teaching manual trades. Prisoners are allowed visits from family members.

d. Arbitrary Arrest, Detention, or Exile

A 1978 law permits the Government to detain any individual without charge for renewable periods of 60 days. A parallel law, apparently used in routine cases, allows the police to hold an individual for a "reasonable time" without charges. In some cases persons have been detained for up to several weeks. Detention is not subject to appeal to the courts, although it may be appealed directly to the monarch. While some prisoners are held incommunicado, immediate family members are usually allowed to visit detainees. Some attorneys have had difficulties in gaining access to their clients. Five former officials, held incommunicado throughout most of 1985, were released on December 31. They were Col. Ndzimandze, former army commander; former minister of finance Nxumalo; former commissioner of police Msibi; former deputy commissioner of Police Hillary; and Major Abednego Dlamini.

Forced labor does not exist in Swaziland.

e. Denial of Fair Public Trial

The right to a fair public trial is provided for by law and is generally honored in practice. The judiciary consists of a court of appeals, a high court, and various subordinate magistrates' courts. The Head of State appoints members of the court of appeals and the high court. Parallel to this modern government structure is a traditional structure consisting of the Liqoqo (a council which advises the Queen Regent), traditional courts, and 40 regional councils.

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In magistrates' courts, a defendant is entitled to counsel at his own expense. Court-appointed defense counsel is provided in capital cases. Defendants are made fully aware of the charges against them. Defendants and their lawyers are generally allowed to examine and discuss the evidence on which the charges are based. The courts are independent of executive and military control. Appeals from the magistrates' courts may be heard by the high court, and all final appeals are heard by the court of appeals, which is the highest judicial body. These rights are not guaranteed to persons held under the 1978 detention law or those persons charged with sedition. In traditional courts, where ethnic Swazis may be brought for relatively minor offenses and violations of Swazi traditional laws or customs, legal counsel is not allowed, but defendants are usually heard on their own behalf. Swazi traditional law has not been formally codified. Both offenses and punishments are limited and findings are subject to a review system and appeal to the high court and court of appeals. Accused who desire counsel can insist that their case be transferred from the traditional courts.

Although legislation passed in 1983 would allow sedition cases to be held in camera, no one has yet been tried under that measure.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.

Swazi custom places a high value on home and family. In general, Swazi law requires a warrant issued by a magistrate before police may search homes or other premises. However, senior police officers are permitted to search for evidence without a warrant if the suspected crime is of a serious nature, and this exception is frequently used. There is no evidence that the Government censors correspondence or commits other violations of the home.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Freedom of speech is limited. The Prime Minister and other officials have repeatedly directed that Swazis critical of the Government express their views only to their chiefs for discussion in traditional Swazi councils. Antigovernment demonstrations or leaflets are regarded as seditious and are treated accordingly. The Swazi radio and television stations are government-controlled. A private company publishes a daily newspaper with English and Siswati editions, and there is also a semigovernmental English-language paper. The Government does not precensor newspapers, but occasionally makes it known that certain stories should not be printed. The media, both government-controlled and private, practice self-censorship, refraining from critical comment on government activities or on problems dealing with the royal family. On several occasions in 1985, journalists were summoned before officials in connection with controversial stories. In one instance, a journalist was interrogated by the police and kept in custody overnight. The Government proscribes publications, including foreign publications, deemed to be prejudicial to the interests of defense, public safety or order, public morality, or public health. For example, in June two major South

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African publications were banned from Swaziland because of critical articles on Swazi domestic politics.

b. Freedom of Peaceful Assembly and Association

The King's proclamation of April 12, 1973, prohibits meetings of a political nature and processions or demonstrations in any public place without the consent, sometimes withheld, of the commissioner of police. Except for the prohibition of certain antigovernment activity, however, freedom of association is generally permitted. Trade associations and professional bodies exist in Swaziland and maintain relations with recognized international bodies in their fields.

In labor matters, employees may and do organize. Under the Industrial Relations Act, unions are required to register with the Government and a number have done so. Unions are independent from government control and are fairly effective as representatives of their members, but since most Swazis are subsistence farmers, unions play a small role in Swazi economic life. Unions play no political role. The union umbrella organization, the Swaziland Federation of Trade Unions, participates in the International Labor Organization and is a member of the Organization of African Trade Union Unity.

Collective bargaining is legal and, while employers have resisted actual collective bargaining, a number have entered into recognition agreements. The Government generally intervenes to reduce the likelihood of a strike, which cannot be legally called until all avenues of negotiation are exhausted. The labor commissioner can then issue a 14-day postponement which can be extended when additional documentation is presented. Where the national interest or welfare is concerned, the Minister of Labor can forbid a strike or can refer the dispute to the industrial court.

c. Freedom of Religion

Swaziland is traditionally hospitable to all religious beliefs, informally considers itself to be a Christian country, and permits a great variety of missionary activities. Following the death of King Sobhuza in August 1982, some difficulties developed between Jehovah's Witnesses and government officials over such items as the singing of the national anthem in schools. However, the question was brought to the courts and dismissed. In March of 1985, the Heads of the Anglican and Roman Catholic Churches circulated a joint pastoral letter criticizing social injustice, violence, and the use of arbitrary detention in Swaziland. Government officials objected that the churches were getting involved in politics, but the dispute subsided.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Swazis may travel freely within Swaziland and can generally obtain a travel document to travel throughout Southern Africa. Obtaining a passport is more difficult and more time-consuming. Occasionally the Government refuses to issue a passport if the applicant does not appear to have adequate means of support while abroad. Citizenship for nonethnic Swazis can be difficult to establish, creating problems in obtaining passports and other civil documents.

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Swaziland is a signatory to the U.N. Protocol relating to the Status of Refugees. Swaziland accepts displaced persons from neighboring countries and treats them well. By far the largest number of refugees is from South Africa, primarily ethnic Swazis who fled Zulu administration in the black South African homeland of Kwazulu. In 1985, Swaziland also accepted over 2,000 refugees fleeing from military clashes in Mozambique. Refugees who leave Swaziland on U.N. travel documents are generally not allowed to return.

In 1985, Swaziland police arrested a number of non-Swazi African National Congress activists. They were turned over to the United Nations High Commissioner for Refugees (UNHCR) representative for transfer to neighboring countries (primarily Tanzania) willing to receive them.

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

Swaziland is ruled by the King-in-Council. This means that ultimate decisions concerning matters such as political policy, the appointment of ministers, or issuance of decrees are taken by the Queen Regent after obtaining the advice of senior members of the royal family, the senior chiefs, the Cabinet, or Members of Parliament. Such consultation takes place in private, and public debate of political matters under consideration by the Monarch is rare. Legislation is passed by the Parliament and is then submitted to the Monarch for assent--which may be withheld. While political power is not confined to the royal family, it is concentrated there. This system is essentially a version of the traditional Swazi government as modified during the reign of King Sobhuza, II. It provides for extensive consultation and depends on consensus-building. The people are encouraged to bring their views to their local chiefs in private or in meetings held to discuss various topics. The formation of opposition groups is discouraged.

Political parties are outlawed, and an organized political opposition to the Government in the sense of a multiparty system does not exist. Members of Parliament (a 50-member House of Assembly, and a 20-member Senate) are chosen in an intricate manner involving the interactions of 40 regional councils, 80 electors, and the Monarch's appointive powers. The Parliament has served occasionally as a forum for examination and criticism of government policies, but matters are seldom pressed to a vote and, when they are, unanimity is usually the result. One of the ministers is a nonethnic Swazi, as are a number of Members of Parliament. Several women are also Members of Parliament.

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

The Government of Swaziland does not normally respond substantively to inquiries from representatives of human rights groups concerning the welfare and whereabouts of individual political detainees. There are no organizations based within the country that observe, report, or contest human rights violations. In its 1985 Report, Amnesty International noted its concern about detention without trial of opponents of the Government. Amnesty International regards Douglas Lukhele, Arthur Khoza, Prince Sulumlomo Dlamini, and

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Prince Thunduluka Dlamini as prisoners of conscience. Freedom House rated Swaziland "partly free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Swaziland's population in 1985 was estimated to be 671,000 (though it may be higher) and growing by at least 3 percent per year. Given that growth rate, real per capita income has fallen over the past 5 years. Since independence in 1968, however, Swaziland's per capita gross national product (GNP) has risen from about \$300 to an estimated \$870 in 1983, but subsistence farmers, who comprise two-thirds of the population, have not kept pace. Total per capita income of rural homestead residents for crop year 1983/84 was approximately \$375. In 1980, the World Bank estimated that nearly half the population was below the poverty line. The drought in 1982 and 1983 exacerbated the problem.

Since independence, the Government has invested heavily in improving and expanding health care services. Although life expectancy at birth in 1985 was 54.6 years, the infant mortality rate was estimated in 1985 to be 130 per 1,000 live births. There is a lack of clean, disease-free water; estimates in 1985 showed only 37 percent of the country had access to safe water.

The Government faces two interrelated and emerging economic challenges: The inability of traditional agriculture to generate consistent food surpluses or incomes comparable to those in the modern sector, and the decreasing ability to generate sufficient jobs in the modern sector. This is compounded by stagnant government revenues and the Government's own growing inefficiencies.

By far the biggest constraint to truly indigenous development in virtually every area is the shortage of knowledgeable technical and administrative leaders, professionals, and appropriate institutions. The Government is attempting to address this problem through emphasis on education. About 85 percent of primary school-age children are in school. The primary grades also have a substantial number of overage children. Standards have declined because emphasis has been placed on meeting the demand for additional school places, rather than on quality education. Intensive efforts have been made to increase the adult literacy rate. The World Bank estimated it at 45 percent in 1976; 1982 estimates show a 65 percent adult literacy rate.

There is extensive legislation protecting worker health and safety in Swaziland, and child labor receives special attention. The Employment Act of 1980 forbids employers to discriminate among employees based on race, religion, sex, marital status, or political affiliation. It requires equal pay for equal work. There are provisions covering the employment of children, maternity leave, and domestic employees. No one may employ a child below the age of 15 in an industrial profitmaking undertaking, except for cases where only family members are employed in the firm or in the case of technical schools where children are working under the supervision of a teacher or other authorized person. Legislation limits the number of hours which can be worked at night during school days, and in excess of 6 hours per day or 33 hours per week. However, such provisions may be difficult to enforce due to the small size of the enforcement staff.

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Legally, women are not discriminated against in the job market but, in practice, discrimination occurs frequently. Around three-fourths of all wage-paying jobs are held by men and their average wage rate by skill category is higher than for females.

Traditional values are a major influence on the role of women in Swazi society. Since men are away from their homesteads much of the time, women perform most agricultural tasks and have responsibility for virtually all child rearing and domestic chores. However, they are not given authority to make necessary decisions, to make expenditures to acquire additional capital, or to try innovative agricultural approaches. Women are, in some cases, not legally equal to men, and a married woman is virtually a minor. She is not responsible for contracts she signs, and she cannot own real property or inherit property under normal circumstances. She must obtain her husband's permission to borrow money, to leave the country, and often to take a job. A divorced woman has no right to the custody of her children, although she may have to care for them with no support from their father. A small and growing number of women are beginning to participate in social, economic, and political life outside their traditional fields of teaching, nursing, and clerical work. Women have equal access to schools and constitute around half the student body in nearly all institutions.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: SWAZILAND

	1983	1984	1985
I.ECON. ASSIST.-TOTAL...	8.0	7.6	8.7
LOANS.....	0.0	0.0	0.0
GRANTS.....	8.0	7.6	8.7
A.AID	6.2	5.8	8.7
LOANS.....	0.0	0.0	0.0
GRANTS.....	6.2	5.8	8.7
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.5
B.FOOD FOR PEACE.....	0.4	0.2	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.4	0.2	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN \$-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.4	0.2	0.0
E.RELIEF.EC.DEV & WFP.	0.4	0.2	0.0
VOL.RELIEF.AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	1.4	1.6	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.4	1.6	0.0
PEACE CORPS.....	1.4	1.6	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.1	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.1	0.1
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.1	0.1
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	8.0	7.7	8.8
LOANS.....	0.0	0.0	0.0
GRANTS.....	8.0	7.7	8.8
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0
ASSISTANCE FROM INTERNATIONAL AGENCIES			
	1983	1984	1985
TOTAL.....	0.1	16.2	18.0
IBRD.....	0.0	5.6	8.6
IFC.....	0.0	0.0	4.1
IDA.....	0.0	0.0	0.0
IDB.....	0.0	0.0	0.0
ADB.....	0.0	0.0	0.0
AFDB.....	0.0	10.0	5.3
UNDP.....	0.1	0.0	0.0
OTHER-UN.....	0.0	0.6	0.0
EEC.....	0.0	0.0	0.0
			1946-85
TOTAL.....			176.2
IBRD.....			79.8
IFC.....			12.5
IDA.....			7.8
IDB.....			0.0
ADB.....			0.0
AFDB.....			42.9
UNDP.....			11.6
OTHER-UN.....			2.6
EEC.....			19.0

TANZANIA

Tanzania was formed in 1964 when mainland Tanganyika united with the newly independent island of Zanzibar. Under the union, Zanzibar retains considerable autonomy. Tanzania is governed by a single political party, the Chama Cha Mapinduzi (CCM). Julius K. Nyerere served as President and party chairman almost continuously since independence in 1961 until November 1985, during which time the country enjoyed a remarkable degree of political stability. In elections held in October 1985, Ali Hassan Mwinyi, who had previously served as Vice President of Tanzania and President of Zanzibar, was elected to replace Nyerere as President while Nyerere retained the party chairmanship. Within Tanzania's one-party system, voters have some choice of contending political candidates for Parliament and local government but not for president or vice-president. The party controls activity at all levels of society. Through its system of 10-family cells, it monitors even the most remote areas of the country.

Tanzania is one of the world's poorest countries and is largely dependent on foreign aid for development. The economy has deteriorated steadily in recent years. Its 21.7 million people have an annual per capita gross national product of approximately \$240. Sixty-one percent of the rural population lives below the absolute poverty level. Some economic reforms were initiated in 1984, but little additional progress was made in 1985.

During 1985, the Government took steps to improve its human rights record. It added a Bill of Rights to the Constitution, amended the 1962 Preventive Detention Act to limit abuses, and adopted a new criminal code which grants detainees more rights. These and other trends, including constitutional reforms which require that a majority of members of the Zanzibari and Union parliaments be directly elected by popular vote, indicate that Tanzania is moving toward greater liberalization. Nevertheless, legal rights embedded in the national and Zanzibar Constitutions have not always been observed, particularly freedom of speech. Both on the mainland and in Zanzibar, religion, custom, and rigid tradition, especially in rural areas, often work against the exercise of these rights, particularly with regard to the treatment and equality of women. Freedom of the press is severely restricted. Government policy prohibits the use of torture, but it occasionally occurs. Police officials have been sentenced to stiff terms of imprisonment for torture, abuse, and killing of prisoners.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There have been no reports in 1985 of politically motivated killings.

b. Disappearance

There have been no reported cases of disappearance in 1985.

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c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Tanzanian Government opposes the use of torture as a matter of policy. Nonetheless, there have been allegations during the past year that torture has at times been used by police and prison authorities. During the 1985 trial of those arrested in early 1983 for their reputed participation in an attempted coup d'etat, several of them complained of torture during their interrogations by authorities. When beatings of persons arrested by the police occur, they almost invariably take place at the time of apprehension or when the person is first taken to the police station.

Tanzania's prisons are generally unsanitary and overcrowded. Prison conditions are largely a result of Tanzania's economic difficulties and not a deliberate government effort to subject prisoners to inhumane conditions. In 1985, the Government announced that it would take measures to reduce congestion in prisons by changing some of the legal procedures involved in bringing cases to court.

Traditional defense groups in central Tanzania called Sungu Sungu or Wasalama, encouraged by both government and party officials in recent years to help eliminate cattle rustling in some areas, often use extreme tactics and occasionally take on the appearance of vigilante groups. In September 1985, the Tanzania high court sentenced two Sungu Sungu members to death for the murder of two villagers in 1984.

d. Arbitrary Arrest, Detention, or Exile

In January 1985, the National Assembly amended the 1962 Preventive Detention Act under which police and security officers could, with a written order from the President, arrest and detain indefinitely any person considered dangerous to the public order or national security. Previously, detainees had no recourse to the judicial system. Under the amended Act, the Government is now required to inform detainees within 15 days of the reasons for their detention. Otherwise, they must be released immediately. In addition, the order must be reviewed by an Advisory Committee within 90 days, and the names of the detainees are to be published in the Government Gazette. Detainees can also challenge the legality of the detention order in the High Court. The amendment also extends applicability of the law to Zanzibar for the first time. Approximately 15-20 people were held under the Preventive Detention Act in 1985, most of whom were accused of participating in a 1983 plot to overthrow the Government.

Approximately 1,000 people were detained in 1984 under presidential decree for alleged violations of the Economic Sabotage Act of 1983, such as hoarding and exchange control violations. However, new legislation adopted in September 1984 placed persons newly accused of economic crimes within the normal judicial process. Persons already charged under the previous law were tried by special tribunals which did not always provide full procedural safeguards.

Tanzanian law requires that a person arrested for crimes, other than security violations under the Preventive Detention Act, must be brought within 24 hours before a magistrate to be charged. Under the new criminal procedure code, enacted in

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1985, the accused person is guaranteed bail either by the police or by the court. Also under the new code, the accused has the right to challenge the order for his arrest, his name must be published in the Government Gazette, and his case must be referred to a board of review within three months. If it is not referred within this time, he is entitled to be released. Although the new system has been in effect only a short time, it appears that it is being respected by legal authorities.

The 1983 Human Resources Deployment Act required local governments to ensure that every resident be engaged in productive or other lawful employment. Those persons not so engaged were subject to transfer to another area where they would be required to engage in gainful employment. In 1983 and 1984 there were large scale roundups of unemployed in Dar es Salaam who were then repatriated to their home villages or other areas for agricultural work. The roundups were ended in mid-1984 because they were ineffective, and the Government is no longer compelling individuals to return to the rural areas.

e. Denial of Fair Public Trial

Tanzania's legal system is based on the British model with modifications to accommodate customary and Islamic law in civil cases. Criminal trials are open to the public, and the more sensational trials are covered by the press. Defendants have the right of appeal. While an independent judiciary is constitutionally mandated, some members of the legal community, including judicial officers, have complained that lower level officials of the legal system are highly susceptible to bribery. There has been no evidence that either the Court of Appeals or the High Court are corrupt. Judges are appointed by the Chief Justice, except those for the Court of Appeals and High Court, who are appointed by the President. Military courts do not try civilians, and there are no security courts. Defendants in civil and military courts may appeal decisions to the High Court. The Government offers legal counsel to all defendants charged with treason or murder. In Dar es Salaam, the Tanzania Bar Association and the Legal Aid Society also provide free counsel to indigent defendants.

Under the 1984 Zanzibar Constitution, People's Courts, which did not provide defendants the right of legal representation, were abolished. The court system now parallels the legal system of the United Republic of Tanzania. High Court judges are required to have both a degree in law and several years' practice prior to appointment to the bench. The right to appeal the original judgment is guaranteed within a specified time period. The new Constitution retains Islamic, or Kadhi, courts to deal with marriage, divorce, inheritance, and child care cases involving only Muslims. Cases concerning Zanzibar constitutional issues and Islamic law are justiciable only within Zanzibar's own courts. Beginning in 1985, for the first time, all other cases can be appealed to the Court of Appeals of the United Republic of Tanzania.

In January 1985, the Tanzanian Government began the civil court trial of 19 individuals (14 Army officers and 5 civilians) accused of plotting to overthrow the Government in 1983. Ten were acquitted (four in mid-1985 and six at the end of 1985) while nine were found guilty and sentenced to life imprisonment. The nine are expected to appeal their convictions. The trial appears to have been conducted fairly.

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f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Through the party structure, the Government intervenes in the private lives of its citizens. The Chama Cha Mapinduzi has party cadres covering the smallest units of society. The "10-cell" leader is the party official responsible for monitoring events and resolving problems at the grassroots level. Individual cells vary in size from single family homes to large apartment buildings. Hence, individual 10-cells may contain from ten to several hundred individuals. Ten-cell leaders, who are unpaid, monitor store rationing to ensure "equitable" distribution and report to authorities any suspicious behavior or event within their neighborhood.

The Human Resources Deployment Act of 1983 empowered the Labor Commissioner or his agent to search any house for unemployed persons. Those who were not considered productively employed were not allowed to remain in urban areas. After widespread criticism of human rights violations under the aegis of this Act in 1983 and 1984, it was not actively implemented in 1985, and the instances of forced entry, search, and harassment of persons suspected of economic crimes were significantly fewer than during the previous 2 years.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Freedoms of speech and press are guaranteed under the Constitution but limited in practice. The mainland Government owns the only English-language daily newspaper, the National Press Agency, and the mainland radio facility. The Zanzibar Government operates a radio and television station. The Swahili-language paper, which has a daily circulation of 100,000, is owned by the party. The official media, as organs of the State, usually present a unified point of view on important policy matters and do not criticize the premises of government domestic or foreign policies.

Tanzanian citizens show few inhibitions about expressing criticisms of the system in private conversations. Visiting foreign reporters have considerable freedom, including access to government and party leaders. Academic freedom of inquiry is officially guaranteed, but in practice, most academicians, relying on the government-run educational system for their livelihood, appear to limit their exploration of sensitive subjects. The importation of foreign books and periodicals is acutely limited by the shortage of foreign exchange.

b. Freedom of Peaceful Assembly and Association

The nature of the one-party state limits the freedom of public assembly and association. Legal political gatherings may be organized only by the party or its subgroups. Student organizations are party-controlled, and students are inhibited from public criticism by concern that their future employment prospects may be jeopardized. A number of professional associations exist, including legal and medical associations, but they are careful to concentrate on nonpolitical topics.

There is one labor union, Juwata, which is an organ of the party. No other unions may operate. All business and government offices with more than a few employees are required

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to have a Juwata chapter. Juwata represents about 60 per cent of the workers in the modern, industrial, and government sectors. At the local level, it is charged with promoting employee welfare. As the workers' representative, Juwata can file grievances against employers. Those cases which cannot be settled at the workplace are referred to the Permanent Labour Tribunal, whose decisions are final. While strikes are not prohibited by law, they do not take place because the decisions of the Labour Tribunal are binding. The Government sets wages and Juwata, as an organ of the party, acts as an adviser to the Government on wages but does not engage in collective bargaining on behalf of the workers.

Juwata maintains relations with the International Labor Organization (ILO), and the Government has ratified most ILO conventions. During recent years the ILO was concerned about convict labor in prisons and several laws requiring work by adults in communal agriculture and development projects. However, the Government no longer enforces these laws, and ILO concern has lessened.

c. Freedom of Religion

Freedom of religion is guaranteed by the Constitution and respected in practice. Missionaries are allowed to enter the country freely to proselytize, and Tanzanians are allowed to go abroad for religious purposes. There is one monthly Catholic newspaper, with a circulation of approximately 120,000, which covers mainly religious news.

The population of the mainland is roughly 50 percent Christian, 40 percent Muslim, and 10 percent animist. There appear to be no social or political advantages or disadvantages attached to membership in any given faith on the mainland. While there has been a degree of controversy in overwhelmingly Muslim Zanzibar regarding state support of certain mosques, Zanzibaris are generally free to practice any faith they choose without interference.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Apart from the Zanzibari requirement for travel documentation between Zanzibar and the mainland, the Government generally does not restrict travel within the country. Tanzania continues to require its citizens to follow national employment directives stipulating the nature of employment and where they reside. For years, city dwellers have been the subject of police checks for proof of employment. Those without proper documentation have, in some cases, been forced to return to the rural areas in an effort to control increasing pressure on urban resources and to reverse declining levels in agricultural production. The Human Resources Deployment Act of 1983 requires local government to ensure that every resident within its area of jurisdiction engages in productive or other lawful employment. Those persons who are not so engaged are subject to transfer to another area. Implementation of the Human Resources Deployment Act was suspended in 1985 while municipal authorities, under whose jurisdiction the Act now falls, searched for ways of enforcing it without the abuses which occurred in 1983 and 1984.

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In 1985, an incident was reported of villagers from one region of Tanzania being forced by the regional government to settle in another because of population pressures. The Government prohibits people from shifting their villages to other places without its permission, and peasants have been prosecuted for doing so.

There are no restrictions on repatriation. The Extraterritorial Jurisdiction Act empowers the courts to try Tanzanians who commit offenses outside the country. Passports are required for foreign travel and can be difficult to obtain. Tax clearances and approval from the Central Bank are also required to buy airline tickets. In practice, those planning to emigrate are subject to intense scrutiny by police and tax authorities. Those who leave the country without authorization are subject to prosecution. Although it is legally possible for citizenship to be revoked, there have been no reports during the last several years that this has been done.

Tanzania has a liberal policy towards refugees and displaced persons. There are approximately 180,000 refugees and displaced persons in Tanzania of whom 80 percent are from Burundi, with the rest mainly from Uganda and Zaire. However, Tanzania's acceptance of refugees and displaced persons is largely limited to persons from contiguous countries. Refugees from other countries are required to find resettlement elsewhere. South Africans who enter Tanzania as members of liberation groups are in a special category and are allowed to remain in the country. However, those who leave the liberation groups are refused work and residence permits. The United Nations High Commissioner for Refugees (UNHCR) is actively engaged in resettling over 70 former members of such groups.

Three thousand Banyarwanda refugees from Uganda, who were threatened with expulsion from Tanzania in 1984 and later placed in a camp, were finally given a locale within Tanzania in 1985 in which to settle. The UNHCR is assisting the Government to prepare the resettlement area for the refugees.

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

Political activity is forbidden except within the party. While he relinquished the presidency in 1985, chairman Julius Nyerere continues to direct the party structure and bureaucracy, which are the dominant forces in the country. President Ali Hassan Mwinyi, formerly President of Zanzibar and Vice President of Tanzania, remains party vice chairman. Mwinyi ran unopposed in national elections on October 27. He is a strong supporter of Zanzibar's union with the mainland. There are no overt opposition groups, although the alleged coup plot discovered in January 1984, and the publicity associated with the trial of the plotters, suggested at least some internal opposition to the regime. Some Tanzanian nationals living abroad, who consider themselves political exiles, advocate a change of government.

In addition to the smooth transition in the presidency, voters on October 27 chose 169 elected members of the 244-seat Parliament. Under the new Constitution, which went into effect in 1985, the proportion of representatives chosen by popular vote in those elections increased from approximately

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50 to 75 percent. The remaining 25 percent is composed of members appointed by the Government and the various "mass organizations" associated with the party. All candidates for Parliament must be party members. The national executive committee of the party chooses at least two candidates from a list provided by each constituency to compete in the general election. Within this one-party system voters have registered dissatisfaction by sending incumbent members of Parliament to defeat. This happened again in the 1985 elections. In past years, there were reports of election fixing and intimidation of village leaders both on the mainland and on Zanzibar. This year, 23 petitions were filed, primarily by individual voters, challenging the results of the elections on both the mainland and Zanzibar. The petitions alleged a variety of voting irregularities. Party membership and, hence, active participation in the political process, is not open to anyone engaged in private business, which traditionally consists largely of Asians, but is slowly being joined by more and more Africans.

Zanzibar has its own House of Representatives. In 1985, for the first time, the majority of Zanzibar's representatives were elected directly, albeit within the one-party structure. This is a sharp break from the past in which all but 10 of the members were elected through district and regional "revolutionary committees" or directly or indirectly appointed by the Zanzibar President. Under the terms of the new Constitution, the House of Representatives consists of 50 directly elected members, 10 members nominated by the President of Zanzibar, 5 regional commissioners, 5 seats reserved for women, and 1 representative from each of the party's 5 mass organizations.

Women have been encouraged to take an active role in politics. Using its powers of direct appointment, the Government has ensured that about 20 percent of the membership of village councils is female. In late 1985, there were 2 women cabinet ministers, 1 woman on the 18-member central committee of the party, and 13 women on the national executive committee. Under the new 1984 Union and Zanzibar Constitutions, 15 seats are reserved for women in the 244-member National Assembly and 5 seats in the 75-member Zanzibari House of Representatives. This reform was instituted in recognition of the traditional obstacles women face in popular elections for constituency seats in Parliament.

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

Tanzania is a party to U.N. covenants on human rights and in 1984 ratified the Organization of African Unity Charter on Human and People's Rights, 1 of only 13 African states to do so thus far. In its 1985 report (covering 1984), Amnesty International was concerned about the short-term detention without trial of two prisoners of conscience and about allegations of torture and ill-treatment of prisoners. However, most of the report commented on Tanzania's efforts to improve its human rights practices. In the past, the Government has shown serious concern about international opinion regarding its human rights situation. The Government hosted a regional Amnesty International Conference in late 1984, which was opened by the Prime Minister. In contrast to 1983, there have been no outside investigations of human

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rights violations in Tanzania for the 1984-85 period. Freedom House rates Tanzania "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Tanzania has a population of 21.7 million people (600,000 on Zanzibar), growing at a high rate of 3.2 percent per year. Per capita gross national product in 1983 was \$240, a 9 percent decline from 1982. Government pricing policies, traditionally designed to keep consumer prices low for urban dwellers, and a consistent pattern of late payments to producers and shortages of necessary items, such as fertilizers, have contributed to a decrease in the growth of export (cash) crops. Many farmers have increasingly reverted to food crop agriculture. Producer price increases, consumer price hikes, and more systematic payment to producers by state-owned enterprises represent government efforts to reverse this trend.

Industrial production continues to decline because there is a drastic shortage of foreign exchange which is needed to purchase raw materials and spare parts. The economy has suffered further in recent years from worldwide inflation, high energy costs, and continued low prices for export crops.

The Government continued efforts to expand health and education facilities. Since independence in 1969, life expectancy at birth has risen from 42 to 53 years. Infant mortality remains high, 110 in 1,000 live births (1980), largely as a result of malnutrition and the resulting lack of resistance to diseases. More than 42 percent of the population had access to clean water in 1982, up from 29 percent in 1975.

Since the institution of free and compulsory education for all in 1977, the vast majority of children of primary school age have been enrolled. There is a growing public demand for more emphasis on basic education and a growing concern over the severely restricted number of places in secondary schools and universities. Adult education is available and encouraged. According to World Bank and United Nations Education, Scientific, and Cultural Organization statistics, Tanzania has one of the highest adult literacy rates in Africa. In practice, tradition and social attitudes have seriously limited the participation of women beyond the primary school level.

Workers in Tanzania perform a 40-hour, 6-day workweek. Section 77 of the employment ordinance prohibits children under the age of 15 from working. This provision applies to the formal wage sector in both urban and rural areas only and not to children working on family farms or herding domestic livestock. A young person between the ages of 15 and 18 may be employed provided the work is "safe and not injurious to health." There is no legal discrimination in wages on the basis of sex, but in practice discrimination occurs. In general, women cannot be employed between 10 p.m. and 6 a.m., and young people are not allowed to work between 6 p.m. and 6 a.m. Several laws regulate safety in the workplace, including the Factories Ordinance, the Accidental and Occupational Diseases Notification Ordinance, and the Workman's Compensation Ordinance. The ILO is assisting Juwata with a 2-year project, scheduled for completion this year, on occupational safety. Employers in Tanzania are required to have insurance.

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For most of Tanzania's ethnic groups, women's traditional role has been that of mother and field laborer, and women are still underrepresented in government, the professions, and in skilled occupations. Social limitations on the roles women play are generally more pervasive on Zanzibar than on the mainland. Women in many parts of the country continue to suffer discriminatory restrictions on inheritance and ownership of property because of concessions to custom and Islamic law. These laws dictate in many areas that daughters receive smaller shares of their father's property than do sons. Although the practice is declining, female circumcision is still performed by a minority within approximately 20 of the country's 120 mainland ethnic groups. Despite the obstacles, the Government has made progress in its efforts to ensure equality for women, especially in urban areas where traditional values have a weaker hold on the population. The Union of Tanzanian Women, a wing of the party, is dedicated to the eradication of inequality for women in all spheres of society.

The Asian community, estimated at about 40,000, is both culturally and economically exclusive, a business-oriented minority in a society committed to "socialist" policies. Official government policy is one of equal rights for all citizens, and Asian entrepreneurs are being encouraged to invest in areas previously reserved for the public sector, including large-scale agriculture. In 1985, the Asian community did not face the harassments experienced in 1983 and 1984.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: TANZANIA

	1983	1984	1985	
I.ECON. ASSIST.-TOTAL...	7.9	6.4	7.5	
LOANS.....	5.0	0.0	0.0	
GRANTS.....	2.9	6.4	7.5	
A.AID	0.0	1.2	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	1.2	0.0	
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0	
B.FOOD FOR PEACE.....	6.5	3.9	7.5	
LOANS.....	5.0	0.0	0.0	
GRANTS.....	1.5	3.9	7.5	
TITLE I-TOTAL.....	5.0	0.0	0.0	
REPAY. IN \$-LOANS.....	5.0	0.0	0.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	1.5	3.9	7.5	
E.RELIEF.EC.DEV & WFP.	0.1	2.0	1.4	
VOL.RELIEF AGENCY.....	1.4	1.9	6.1	
C.OTHER ECON. ASSIST...	1.4	1.3	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	1.4	1.3	0.0	
PEACE CORPS.....	1.4	1.3	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
A.MAP GRANTS.....	0.0	0.0	0.0	
B.CREDIT FINANCING...	0.0	0.0	0.0	
C.INTL MIL.ED.TRNG...	0.0	0.0	0.0	
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E.OTHER GRANTS.....	0.0	0.0	0.0	
III.TOTAL ECON. & MIL...	7.9	6.4	7.5	
LOANS.....	5.0	0.0	0.0	
GRANTS.....	2.9	6.4	7.5	
OTHER US LOANS.....	0.0	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	0.0	0.0	
ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	1946-85
TOTAL.....	74.2	39.5	45.0	1334.0
IBRD	0.0	0.0	0.0	318.2
IFC	0.0	3.9	0.0	11.0
IDA	46.8	35.0	45.0	844.9
IDB	0.0	0.0	0.0	0.0
AOB	0.0	0.0	0.0	0.0
AFDB	22.4	0.0	0.0	97.9
UNDP	5.0	0.6	0.0	16.0
OTHER-UN	0.0	0.0	0.0	41.0
EEC	0.0	0.0	0.0	5.0

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The Government of Togo is authoritarian, and power is firmly centralized in the hands of President General Gnassingbe Eyadema. Eyadema is also head of the armed forces and of the only legal political party, the Rassemblement Du Peuple Togolais. The Eyadema Government has been in power since 1967. Its legal authority is based on a written Constitution adopted by national referendum in 1979. Only party members are permitted to participate in the political process. As head of the party, President Eyadema dominates the executive, legislative, and judicial functions of government. The Government's control of the elements of coercion, including the military, the Gendarmerie, and civil police (Surete), and the wide recognition that it is willing to use them, are important factors in maintaining its authority.

Togo's economy is heavily oriented toward subsistence agriculture, with most Togolese participating only marginally in the modern (cash) sector. Coffee and cocoa are the only significant crop exports. Togo exploits and exports one mineral product, phosphate. World prices for these three exports have been well below normal recently, and Togo has had to institute an austerity program, with attendant hardship on the population. Togo also has a small but flourishing commercial sector and encourages private enterprise, much of which is carried out by women.

The human rights situation in Togo changed little in 1985. Following a series of bomb explosions in August, about 20 people were arrested on suspicion of antigovernment activities, and most are still being held. There were about 40 persons being held without charge in late 1985 on general political grounds. There were also cases of death of several persons from unresolved causes while under government surveillance/custody.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

The death of Colonel Koffi Kongo on March 29 while he was under government surveillance led to some speculation that he had been killed by security personnel. An Amnesty International team visited Lome 10 days later and met with the President, other government officials, and Kongo's family, including his French wife. All concerned--including the attending military physician--said that Kongo had died of a heart attack. Although President Eyadema had agreed to an autopsy, the family members refused to permit a postmortem examination. The causes of his death thus remain unverified.

During August, there was a series of three separate weekend bomb explosions in Lome. The primary purpose appears to have been to embarrass the Government. When a bomb went off at the national insurance office August 24, an employee who was working late was killed by the blast. Those responsible have not as yet been identified nor has anyone claimed responsibility for the blasts. In addition, the Government informed Amnesty International representatives who visited Lome in October that one of those who was arrested on suspicion of antigovernment activity died of hypertension and

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heart trouble while under detention. Amnesty International said that they had received reports that he died following electrical torture. As no judicial inquiry was held following his death, it too will likely continue to be surrounded by uncertainty as to the actual cause.

b. Disappearance

In 1985, there were no reports of disappearance in Togo.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

While the President has enjoined Togolese authorities to refrain from torturing prisoners, there is no specific Togolese law prohibiting torture. Some released prisoners and trial defendants have claimed to have been beaten or tortured and have alleged that their statements to the police were obtained either by threat or application of physical coercion. There were several such reports in 1985, particularly after the September arrests. Following the visit by Amnesty International in October, Amnesty representatives said that they had seen 14 of the prisoners, and they all had the general look of having been "badly treated." It appears to be the general belief of the populace that torture is practiced, particularly by the military and the Gendarmerie. Prison facilities are overcrowded and rudimentary with limited space, light, sanitation facilities, and ventilation. Food and medical care are reported to be barely adequate by local standards. Families are allowed to visit prisoners and to provide food. Only military and paramilitary personnel are granted access to Togo's four military prisons. Past reports have cited prisoner beatings and hard labor on state-owned farms.

d. Arbitrary Arrest, Detention, or Exile

The Togolese legal system does not include the right of habeas corpus, nor does this right exist in practice. Prisoners accused of crimes unrelated to political security are usually held for no longer than 48 hours prior to indictment or provisional release pending investigation, but nothing prevents authorities from holding a person beyond that time without charge. Arbitrary arrest and detention occur in Togo, although such cases are generally confined to those the Government considers guilty of "crimes against the public trust" (e.g., corruption or threat to national security, including political opposition). There is no functioning bail system. Those held in administrative or preventive detention are usually not formally charged and cannot obtain redress through the courts. They may be detained as long as the Government deems necessary for the investigation. As many as 20 people were placed under administrative detention in September for antigovernment activities (i.e., possession and/or distribution of antigovernment tracts or painting antigovernment slogans on walls). They were subsequently fired from their jobs. Administrative sanctions against officials have also included assignments to residences in their home villages, where they are required to report weekly to the regional Gendarmerie office.

Reports indicate the national Gendarmerie has exercised almost unlimited power in arresting and detaining persons in Togo.

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Present practice allows any permanent officer of the Gendarmerie to arrest and detain persons without seeking prior permission or submitting a subsequent report. President Eyadema is believed to follow such cases closely. The number of detainees held by the Gendarmerie in its Lome prison, outside the structures of local judicial process, has been reported to be as high as 50. Persons detained by the military are processed through the military judicial system. There is no forced labor in Togo outside the prison system.

e. Denial of Fair Public Trial

Traditional courts at the village level handle a large number of civil and even criminal cases, with evidence generally being presented by both sides before the village chief or a council of elders who then make a decision. Those who do not accept a traditional court's ruling may take cases to the more formal legal system existing in the cities. Formal pretrial proceedings are sometimes protracted. A crowded court docket and shortage of judges make speedy trials unlikely. Defendants accused of nonpolitical crimes are generally accorded the right to a public trial and the right to be represented by counsel. When the defendant cannot afford the cost of an attorney, counsel is appointed by the Government. A defense attorney is permitted to talk with the defendant privately. Defendants and counsel are formally notified of charges in writing. Special courts handle security, embezzlement of public funds, and violent crimes and observe the same standards of justice as regular courts. Togo's judicial system is not independent of the executive branch and is open to political interference in those trial cases deemed important to the Government.

In July 1985, President Eyadema announced the release of what the Government claims to be the last three political prisoners it was holding. The three, Kodjobi de Souza, Kaou Sanvi, and Kouassi Lanyo Sanvi de Tove, were convicted in 1979 for their part in the abortive 1977 coup. Opposition sources outside Togo have claimed that there are up to 200 political prisoners in Togo but are unable to produce specific names. Nearly all of the approximately 50 detainees mentioned in Section 1d were arrested because they were judged to be threats to internal security and thus could be considered political prisoners. The number of political exiles is unknown.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

It is generally thought that there is monitoring of correspondence and telephones and that there are extensive networks of informants in all important sectors of Togolese society in order to check on dissident activity. Searches of private residences in both civil and criminal cases are normally authorized by a judge or senior police official. In matters judged by the Government to involve national security, searches without formal authorization are permitted.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

There is no legal restraint to freedom of speech in Togo. It is exercised fully except on political matters. On all matters concerning the President or Government, citizens feel

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constrained and are careful to avoid criticism. A free press does not exist in Togo. The Government owns and operates the media, which it regards as a vehicle for mobilizing popular support for its policies. It does not permit publication or circulation of material criticizing its policies or officials and considers any such activity a serious offense. From time-to-time, the media will report that some cabinet ministers and mid-level government functionaries have been accused of corruption and/or ineffective implementation of programs. Foreign publications normally freely circulate and foreign radio broadcasts are not jammed. In early April 1985, following the death of Colonel Kongo, one issue of the magazine Jeune Afrique was not allowed into Togo. Academic freedom is practiced only in nonpolitical fields.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly is strictly controlled. Prior government approval must be obtained before large groups may assemble. Approval for such gatherings involves a political question and is granted at the discretion of the Government. This effectively precludes antigovernment political meetings. Permission for other types of meetings is not difficult to obtain. Professional groups are enjoined to avoid political activities.

The single national trade union federation, La Confederation Nationale des Travailleurs du Togo (CNTT), is controlled by the national political party. Organization of workers is permitted only under its banner. The federation conveys the Government's views and requirements to workers and, on certain economic issues, represents workers' concerns to the Government. The right to organize is guaranteed under the Togolese labor code and all major sectors of the Togolese work force are unionized. Workers also have the right to strike, but only after every remedy to arbitrate the dispute has been thoroughly exhausted. When disputing parties deadlock, the Government involves itself as arbitrator and through this informal mechanism, most strikes are averted. Strikes, however, have occurred only rarely in the past. In each instance, the Government continued to dialogue with striking workers and the strikes ended shortly thereafter without physical coercion or arrests of striking union members.

c. Freedom of Religion

Freedom of religion generally prevails in Togo, although the Jehovah's Witnesses were banned by a government decree in 1979. This one religious faith is not recognized by the Government as a religious group having the right to conduct services, proselytize, or otherwise carry out religious activities. There are, however, no known legal penalties for being a Jehovah's Witness. No specific religion is favored by the Government. There is no requirement for religious groups to be licensed by the Government. With the exception of Jehovah's Witnesses, the open practice and teaching of religion is permitted. There is no restriction on publishing strictly religious material. Foreign clergy are allowed to proselytize. Local religious groups are permitted contact with similar organizations in other countries. No restrictions exist on religious travel. Religious affiliation is neither an impediment nor an advantage with regard to advancement in Togo and is compatible with membership in Togo's only political party.

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d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

Free movement, including domestic and foreign travel, emigration, and the right to change residence or workplace, is allowed for Togolese and foreigners. Domestic travelers may encounter security or customs-related official roadblocks. Passport issuance is restricted by the Government in order to control the number of professional Togolese who emigrate and also to keep known political dissidents under close scrutiny. Exit visas are also required. Except for the few political exiles, Togolese who have chosen to reside in other countries may return at will. Togo has traditionally welcomed refugees, as well as displaced persons.

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

President Eyadema holds a monopoly of power in Togo and has maintained it since 1967. Togo is a one-party state. There are, however, institutions permitting some participation in decisionmaking where the President is not directly involved. All citizens are considered to be members of the party, and active party members may express their views at party meetings on issues such as the implementation of policy and the behavior of subordinate officials. No challenges are allowed, however, to the President's political program and the central committee's decisions. During the last election in December 1979, President Eyadema was the only candidate and was elected for a seven-year term with 99.7 percent of the votes. Togo has a 77-member National Assembly which debates certain categories of proposed legislation as defined by the Constitution but has no real power to reject laws proposed by the executive. The National Assembly can and does require ministers to justify their budgets, and it gives sanction to policy decisions. The National Assembly elections of March 24 permitted party members, for the first time, to be elected from local groups. Previously, all Assembly members represented a national constituency and one list of candidates was selected by the Government. Within the one party there were 216 candidates for 77 seats and there were a number of spirited contests. The Government's control of the local media insured that campaign rhetoric did not take an antigovernment tone. All regional ethnic groups and both sexes are represented within the single party. Currently, 4 women serve on the 26-member central committee of the party, and 3 women are National Assembly delegates.

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

Togo has been active in human rights forums. Togo was a member of the U.N. Human Rights Commission in Geneva from 1982-84. Following the abortive July 4, 1985, coup in Guinea, President Eyadema joined with the President of the Ivory Coast in appealing to the Guinean President for leniency for the coup plotters, when there were pressures for their immediate execution.

The Government of Togo has also in the past cooperated with international organizations such as Amnesty International, in investigating charges of human rights violations. As mentioned above, Amnesty International teams visited in both

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April and October. A lesser degree of cooperation was exhibited on December 31, however, when a three-person Amnesty International team arrived at the Lome airport and was denied entry. There are no human rights organizations based within Togo that report on or observe human rights violations. In its 1985 Report, Amnesty International expressed concern about the use of politically motivated detention without trial and about reports of torture and ill-treatment and harsh prison conditions. Freedom House rates Togo as "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Togo is listed among the U.N. General Assembly's least developed countries. Its population of 3,023,000 (1985) is growing at the high rate of 3.1 percent annually, in a relatively resource-poor land mass of only 56,000 square kilometers. Per capita gross national product was \$280 in 1983. Revenues from its major exports, phosphates, cocoa, and coffee, have been much lower than historic levels. In the late 1970's, Togo made major investments in industrial projects and tourist infrastructure, many of which proved to be unprofitable. As a result, the Government found itself in economic straits and had to institute major reforms with World Bank and International Monetary Fund cooperation. Over the past 5 years, the primary focus of governmental development policies has been on increasing agricultural production. Togo is virtually self-sufficient in food in normal climatic conditions.

Inadequate government resources have limited efforts to improve health and sanitation levels in Togo, although Ministries for Public Health, Social Affairs, and Education typically receive large shares of the regular national budget (40 percent of the 1983 budget). Life expectancy at birth is 49 years, and the infant mortality rate is 107 (1985) per 1,000 live births. On a nationwide basis, there is only 1 doctor for every 18,100 people (1980) and 1 nurse for every 1,430 people (1980), although the Government operates 21 hospitals and nearly 300 dispensaries or clinics throughout the country's 21 prefectures. About 42 percent of the population (1980) has access to safe water; in urban areas, the figure rises to around 70 percent, while dropping to 31 percent for rural areas. About 42 percent of the urban population is estimated to be living below the absolute poverty level (1978).

Education has also been a major focus of government policy. School attendance is theoretically compulsory until age 15. The adult literacy rate was cited by the World Bank as 16 percent in 1970, 27 percent for males and 7 percent for females. Since many children beyond normal primary school age (6-11) are still enrolled in primary schools, the overall primary school enrollment ratio is 105 percent (1982). For males, this ratio is 131 percent and for females 80 (1982).

Labor practices in Togo are set by the Togolese Labor Code adopted in 1974, which is generally respected in practice. The Code specifically stipulates that there should be equal pay for equal work, qualifications, and production for both sexes; working hours of all employees in any enterprise, except for agricultural enterprises, should not normally exceed 40 hours per week; the employment of children under 14 in any enterprise is prohibited; at least one period of 24 hours of rest per week is compulsory; and workers earn 30 days

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of paid leave each year. Enterprises must run a regular medical service for its employees. Health and safety standards in the workplace are determined by a technical consulting committee at the Ministry of Labor and instituted by decrees. There are penalties for employers who do not meet the conditions of the decree.

The economic and social rights of Togolese women are spelled out in the Family and Individual Code which was adopted in early 1980. Under this Code, women's rights include maternity leave benefits. Women dominate local market activities and commerce with Togo's neighbors and often amass considerable wealth. Formal equality under the law and success in the local marketplace do not mean total equality for all women throughout Togo. Civil law, for example, recognizes a woman's property rights, but customary or traditional law gives all property to the male in the event of separation or divorce. Economic conditions in rural areas also often leave women little time for anything other than carrying water, finding firewood, cooking, caring for the family, and helping to raise food crops. The Government has undertaken a campaign to make women throughout the Togo aware of their expanded opportunities under the new family Code.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: TOGO

	1983	1984	1985	

I.ECON. ASSIST.-TOTAL...	7.7	9.0	6.1	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	7.7	9.0	6.1	
A.AID	3.4	3.9	3.6	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	3.4	3.9	3.6	
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0	
B.FOOD FOR PEACE.....	1.9	2.9	2.5	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	1.9	2.9	2.5	
TITLE I-TOTAL.....	0.0	0.0	0.0	
REPAY. IN \$-LOANS.....	0.0	0.0	0.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	1.9	2.9	2.5	
E.RELIEF.EC.DEV & WFP.	0.7	0.9	0.7	
VOL.RELIEF AGENCY.....	1.2	2.0	1.8	
C.OTHER ECON. ASSIST...	2.4	2.2	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	2.4	2.2	0.0	
PEACE CORPS.....	2.4	2.2	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
A.MAP GRANTS.....	0.0	0.0	0.0	
B.CREDIT FINANCING....	0.0	0.0	0.0	
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0	
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E.OTHER GRANTS.....	0.0	0.0	0.0	
III.TOTAL ECON. & MIL...	7.7	9.0	6.1	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	7.7	9.0	6.1	

OTHER US LOANS.....	0.0	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	0.0	0.0	

ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	1946-85

TOTAL.....	87.6	24.7	46.4	475.9
IBRD	0.0	0.0	0.0	3.5
IFC	0.0	0.0	0.0	0.0
IDA	81.2	0.0	46.4	257.7
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	6.4	23.1	0.0	89.3
UNDP	0.0	1.6	0.0	31.2
OTHER-UN	0.0	0.0	0.0	3.8
EEC	0.0	0.0	0.0	90.4

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Elements of the Ugandan National Liberation Army (UNLA), led by senior military officers primarily from the Acholi ethnic group, overthrew the government of President A. Milton Obote on July 27, 1985. An Interim Military Government (IMG) headed by a Military Council was installed with General Tito Okello Lutwa, formerly Chief of the Defense Forces, as Head of State and Military Council chairman. Immediately after assuming power, the Military Council began appointing a broad-based civilian cabinet, comprising all major ethnic groups as well as representatives of the four political parties which had contested the disputed 1980 election. The Council subsequently included members of four insurgent groups, but not Yoweri Museveni's National Resistance Army/Movement (NRA/NRM), which is dominated by Bantus, in particular the Banyankole. Museveni's NRM/NRA forces continued hostilities against the interim Government but also agreed to enter into peace talks with the IMG in Nairobi under the chairmanship of Kenyan President Daniel Arap Moi. The talks culminated in a peace accord signed on December 17, in Nairobi between Okello and Museveni, who agreed to join the Government as vice chairman of the Military Council. By early 1986, the terms of the Accord had not been implemented, and further fighting took place. As of late January, the NRA appeared to have taken control of the capital.

When Idi Amin fled Uganda in 1979, he left behind a devastated economy. Uganda has great agricultural potential with its fertile soil and regular rainfall and also has substantial mineral deposits. But the economy has continued to decline under the impact of civil war and social upheaval entailing the dislocation of thousands of people. The Obote government, with the assistance of the International Monetary Fund (IMF), introduced ambitious economic reform measures in 1981, with some initial success, but abandoned the IMF program in 1983 due to the deteriorating security situation. Since then, the inflation rate has soared from 25 to 30 percent a year in 1983 to an estimated 175 percent in 1985. The new Government's economic program had not crystallized by the end of 1985 as first priority was given to ending the civil war.

Human rights issues have played a major role in Uganda's turbulent 23-year postindependence history. The depredations of the Amin years are well-known and well documented. Chaos and widespread human rights violations continued during the 1979-80 interim governments. After initial promise, the 1980-85 Obote government was widely discredited by the time it fell because of its unwillingness, or inability, to halt or prevent large-scale violations of human rights, particularly perpetrated by ill-disciplined soldiers during military operations against the NRA, as well as unrestrained activities of civilian intelligence, security, and ruling-party agents. Various guerrilla groups bent on the violent overthrow of the Obote government also contributed to human rights violations through the use of both indiscriminate and selective terrorism. A special Amnesty International Report released in June 1985, indicated that the government security forces had been involved in mass detentions, routine torture, widespread abductions, and frequent killings of prisoners.

Following the coup respect for rule of law improved temporarily, e.g., most political detainees were released in the first 2 weeks. But members of the UNLA, augmented by

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the four other ill-disciplined fighting forces (not including NRA), and untrained new recruits, were soon implicated in rape and indiscriminate killing of civilians as well as looting of civilian and government properties. The worst, documented human rights violations took place in September-October in the Luwero triangle, a region north and northwest of the capital Kampala, which has been the principal area of government-insurgent conflict since 1981. While the IMG undertook a concerted public effort to punish offenders, its ability to control its soldiers and allied fighting forces still remained in doubt at the end of 1985. Underlying the civil strife is a profound tension among the three main ethnic groups: Bantu, Nilotic, and Nilo-Hamitic.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

While it often was difficult to distinguish between victims of war and of political murder, there continued to be clear evidence of extralegal killings in Uganda in 1985, both before and after the July coup. Most of the killings were of villagers who died during and after military engagements between the government forces and the National Resistance Army (NRA) and other fighting forces. During 1985, the NRA, which had hitherto been based in the Luwero triangle, made a series of attacks to the west, culminating in a splitting of the NRA into two forces, one remaining in the triangle and the other in the foothills of the Ruwenzori mountains of western Uganda. As the NRA moved through territory, the Uganda Liberation Army (UNLA) would typically follow and loot the town, sometimes killing suspected NRA sympathizers.

A number of killings were reported to have been committed by members of the youth wing of Obote's ruling party, the Uganda People Congress (UPC). In March and April 1985, armed youth reportedly entered villages where weddings were taking place and, using grenades and automatic weapons, killed a number of the celebrants. At least two incidents of this nature took place in each of which a minimum of 10 people were killed and over 30 wounded.

There were also credible reports of a number of killings at military detention centers, military barracks, and civilian detention centers carried out by civilian security agents responsible directly to the Minister of State in the office of the President. In one incident in May, villagers identified a UNLA military truck which dropped off a load of more than a dozen mutilated bodies near Kampala. Reliable sources said the bodies had come from Makyndye Barracks in Kampala, where many extralegal detentions were known to occur.

After the July 27 coup, further evidence of political killings during the Obote regime came to light. Among the most publicized were two mass burials of anonymous victims in the Luwero triangle. Conducted by senior IMG officials and participated in by ordinary citizens, the ceremonies involved the internment of hundreds of persons. Responsibility for the killings could not be definitely established, although general opinion was that they had been committed by agents of the Obote government.

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Beginning in September there were new reports of killings, principally in the Luwero triangle area. The pattern was one of indiscriminate killing of civilians by soldiers of the UNLA as augmented by other fighting groups, principally the Uganda National Rescue Front (UNRF) and the Former Ugandan National Army (FUNA).

On October 5, members of the IMG, including Minister of Internal Affairs and leader of the Democratic Party (DP) Paul Ssemogerere and Major General Issac Lumago, leader of FUNA, toured the capital of Luwero district which had recently been the scene of a UNLA/NRA confrontation. The team found evidence of indiscriminate killing by members of the government forces, but no disciplinary action was taken.

Not all extralegal killings in Uganda during 1985 can be attributed to government forces. In the wake of the change of government, a number of local party officials and government appointees of the UPC were murdered, presumably out of revenge by citizens enraged at what was perceived to be an arrogance and abuse of power during the Obote era by these officials. There have also been reports that the principal dissident group, the NRA, has executed civilians whom it suspected of being government informers. There was one credible report that in 1984 NRA exterminated the population of a village in the Luwero triangle in retribution for a villager's betrayal of the whereabouts of an NRA detachment.

b. Disappearance

Reports of disappearance through abduction in 1985 were common and probably reached into the hundreds of cases. However, the number of disappearances dropped off significantly after the fall of the Obote government. The reasons for disappearances range from political thuggery to ransom, which was possibly the most common motive. Since the coup, each of the fighting groups, including government forces as well as those allied with the Government and the NRA, has been accused of responsibility for disappearances.

The most notable disappearance that occurred during 1985 was that of Sebastian Ssebugwawo, a member of Parliament for the opposition Democratic Party. Ssebugwawo disappeared in late May 1985 after an altercation with a military officer. It is presumed that Ssebugwawo was killed, but his body was never recovered, and the Obote government's investigation was inconclusive. Members of Ssebugwawo's party accused the Obote government of conducting an investigation that was at best pro forma. The postcoup government has arrested two members of the military, a captain and a sergeant, who were allegedly involved in the abduction and presumed murder of Ssebugwawo.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and inhuman treatment are not sanctioned by Ugandan law, but for many years there have been credible reports of extreme forms of torture taking place at detention centers, particularly military barracks, where political prisoners were often held illegally. The situation was extensively documented in Amnesty International's June 1985 special report on the state of human rights in Uganda in which Amnesty asserted that it had "received a detailed account from someone who claims to have been tortured in a military barracks as

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recently as February 1985." A favored method of torture, often resulting in death, was to tie a victim down, sometimes in the presence of other prisoners, with a burning tire suspended above. The molten rubber drips onto the victim's face and body. Other reported means of torture and degrading treatment included rape, beatings, bayonetting, and castration.

All fighting groups, including government forces and the NRA, have been accused of employing torture. The numbers of persons physically abused are estimated in the thousands during 1985, with the rate probably dropping off somewhat after the ousting of the Obote government and the disbandment of the National Security Agency, allegedly a frequent user of torture. Conditions in detention centers, which had been greatly increased in number to handle the demand, were poor. Bodies were left after death (from beatings, starvation, illness, etc.). Sanitation and medical assistance were nonexistent. On August 10, over 1,200 political detainees were given their freedom in a public ceremony presided over by General Okello. Some of these Obote era detainees were in such poor physical condition that they were taken immediately from prison to the hospital. According to reliable reports, the NRA since the coup has instituted its own detention centers for persons it finds objectionable and which are outside the jurisdiction of Ugandan law (the numbers of such persons held by the NRA are unknown, but indications are they are in the hundreds). NRA detention policies reportedly have been based on ethnic and political considerations.

The year 1985 saw the continuation of reports both before and after the coup, that rape of women and forced concubinage by government forces occurred, with instances of females under 12 among the victims.

d. Arbitrary Arrest, Detention, or Exile

A number of persons were subject to arbitrary detention, both legal and extralegal, during the first part of 1985. Legal detentions are accomplished under the Detention and Security Act of 1966, although this law has often been applied capriciously and was used during the Obote period against the opposition Democratic Party and suspected members of the NRA and other antigovernment groups. Extralegal detentions were most often performed by the military and civilian security agencies, such as the National Security Agency. In the case of military detentions, the victims were usually either detained on suspicion of being guerrilla sympathizers or, perhaps more commonly, were simply chosen as targets of ransom demands.

In August and September 1985, the IMG released a total of 1,400 Obote-era detainees. According to the Government, at the end of 1985, there were approximately 150 uncharged suspects in custody, primarily members of the disbanded National Security Agency, all of whom were accused of criminal activities. The IMG has issued one detention order since the coup, that for Cris Rwakasiisi, Minister of State in the Office of the President under Obote and responsible for overseeing National Security Agency operations. The IMG apprehended in 1985 over 200 officers and enlisted men caught looting or committing other crimes against civilians. Some were turned over to civil authorities for prosecution, and others were to be tried by courts martial. In addition, there

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were an unknown number being held extralegally by government forces, four allied fighting groups, and the NRA (in western and southwestern portions of the country controlled by the NRA).

Since the coup, the IMG has invited all Ugandans living in exile to return home. Some prominent Ugandans took advantage of the IMG's invitation to return, notably former President Godfrey Binaisa. The principal impediments to Ugandans returning appeared to be security and economic conditions within Uganda, rather than government policy. While the IMG made greater efforts to see that those exiled in Sudan and Zaire returned, it stated that the Banyarwanda (forced earlier into Rwanda) were also included in this appeal.

The Government, both before and since the coup, has not had a policy of forced or compulsory labor. However, individual government soldiers, primarily in the Luwero triangle, have reportedly forced women into concubinage and required them to raise crops, do household work, etc. Under Obote, especially in the north, children were abducted by military personnel and kept as personal servants.

e. Denial of Fair Public Trial

The Ugandan judicial system contains procedural safeguards modeled after British law, including the granting of bail and appeals to higher courts. The legal profession is generally respected. However, there have been many inequities in the working of the judicial system due to government pressures, to the general disorganization of the courts and the blurring of judicial jurisdiction during the civil war, and to alleged corruption among some members of the judiciary, e.g., the Government's use of extralegal and legal detention during the Obote period effectively prevented many individuals from receiving a fair trial. Moreover, during the Obote period, the government reportedly engaged in the harassment of attorneys, including detention of some lawyers suspected of being politically opposed to the government or the ruling UPC party. There were reports that compliant judges during the Obote period were assigned to politically sensitive cases out of normal rotation.

The IMG signaled its intention to restore the independence and impartiality of the judicial system by appointing a well-respected non-Ugandan to the position of Chief Justice. It had also initiated a reorganization of the judicial administrative system by the end of 1985.

There are no special courts for political or security cases. During the Obote period, members of the military and security forces enjoyed a near total immunity from civilian judicial authority, despite the formation of a legal unit within the UNLA in December 1984 for the purpose of carrying out courts-martial of soldiers accused of crimes. The IMG announced its intention in October to prosecute members of the military under the terms of the Military Act of 1966. The IMG also apprehended over 200 officers and enlisted men who were caught looting or committing other crimes.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Undisciplined elements of both the Obote and IMG regimes interfered with privacy and family through harassment of the

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populace, including physical abuse, and large-scale looting. In the first half of 1985 such activities were confined principally to the areas of armed conflict, i.e., the Luwero triangle and areas of western Uganda. During and immediately after the July 27 coup, looting, hijacking of private vehicles, and armed robbery continued in Kampala and in other disturbed areas. Without sufficient pay, food, housing, or clothing, the soldiers from disparate government forces turned to robbing citizens in the streets, often at roadblocks as well as in their homes. Elements of the military, often in league with civilians, also mounted larger-scale looting expeditions to strip entire households of furnishings in Kampala and other areas, particularly where military operations were taking place. Lira, the major city in Obote's home region of Lango, was also badly looted, reportedly by members of UNLA and associated paramilitary groups.

There was no indication that either the Obote regime or the IMG has interfered with correspondence.

Section 2 Respect for Civil Rights Including:

a. Freedom of Speech and Press

Despite the imposition of a military government, there is extensive public debate over the issues of the day, including in the press. Ugandan journalists indicate that freedom of the press has increased since the coup, and this was reflected in the coverage of internal events including reporting of human rights violations. Nevertheless, on January 2, 1986, the IMG announced the formation of a Press Security Committee whose ostensible purpose is to prevent sensational press reporting.

In early October, the Ugandan press began to report atrocities including indiscriminate killing and rape by government forces in the Luwero triangle. The IMG responded by assembling a high-level team of government officials and a pool of Ugandan journalists to make a trip into the disturbed area to investigate the charges. The visit was covered extensively by government television as well as independent news media.

During the Obote period there was no official censorship, but there was considerable pressure on journalists to toe the government line, and a number of journalists were detained, usually under the Detention Act, for having written stories critical of the government and the ruling UPC party. About 10 journalists were detained in the 1984-85 period. Following the coup, the IMG has not interfered with the operation of the press, except for the detention of one Ugandan journalist, who was released uncharged and unharmed after 3 weeks. Foreign journalists, including some who could not obtain visas during the Obote period, have been able to enter Uganda and have had access to the new leaders.

The Obote government banned one magazine in March, apparently for a critical article. Otherwise, international publications--often highly critical of the Obote as well as current Government--were readily available for sale in Uganda in 1985.

Prior to the coup in early 1985, the citizenship of a prominent Ugandan academic, Mahmood Mamdani, was revoked. Mamdani, who is of Asian heritage, claimed the revocation was

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illegal. It is widely believed that this action was taken because Mamdani had criticized the Minister of State in the President's office.

b. Freedom of Peaceful Assembly and Association

The right of assembly and association in Uganda is generally respected, but permits for public gatherings must be obtained from police authorities who have the right to deny the permit in the interest of public safety. During the Obote period, nonpolitical events and national celebrations were often given strong government party overtones. In the early campaign for the scheduled 1985 elections, which were subsequently cancelled, a number of opposition political rallies were subject to harassment by UPC youth. In some instances, rallies were canceled by security authorities ostensibly because of "security problems." Since the coup, political activities have been suspended, but public gatherings have been permitted. Professional associations of doctors, attorneys, engineers, and accountants operate without hindrance, as do international associations such as the Rotary Club, Lions, YMCA, and YWCA.

Under the Obote government, trade unionism remained limited and subject to government party influence. UPC "workers' councils" continued attempts to supplant traditional trade unions. Trade unionists reported that before the coup they were under government pressure to affiliate themselves with the Communist-dominated World Federation of Trade Unions. After the coup, unions were free to associate with any international labor organization.

c. Freedom of Religion

There is no state religion in Uganda. Islam, Christianity, and African traditional religions are freely practiced. Conversion between religions is not obstructed. There is no government control of religious publications, even those with an antigovernment slant. Foreign missionaries and other religious figures are welcome in Uganda. Religious leaders frequently speak out publicly on topics relating to their followers' welfare, addressing in particular human rights, security, and political issues. The opinions of religious leaders carry great weight in public discourse.

The UPC is to some extent identified with the Church of Uganda (Anglican) while the Democratic Party is identified with Roman Catholicism. However, followers of various religions are found in both parties.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

In theory, Ugandans are free to move, reside, and choose their place of work within the country. In practice, however, travel within the country in 1985 was difficult in view of sporadic guerrilla attacks, UNLA operations, and by October a de facto partition of western and southwestern Uganda, which were under NRA control, from the rest of the country. At year's end, a short-lived ceasefire had increased freedom of movement slightly. There are no restrictions which prevent Ugandans from emigrating.

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Perhaps as many as 500,000 persons have been displaced by conflict within Uganda since 1980. Many have sought sanctuary in neighboring states. The great majority of these displaced persons and refugees fled to eastern Zaire and southern Sudan in the aftermath of the 1979 liberation war and UNLA excesses in repulsing a 1980 guerrilla attack in the west Nile region. At its peak, the numbers of Ugandans in Zaire and Sudan totaled approximately 150,000. During the first half of 1985 over 20,000 of these people returned to Uganda with the help of the United Nations High Commissioner for Refugees. Since the coup, a large number of persons living in southern Sudan have returned spontaneously to Uganda, several thousand of whom were young men of military age who have come back to serve in government fighting forces.

Approximately 40,000 Banyarwanda fled Uganda to Rwanda in 1982-83 as a result of quasi-official harassment of this minority group. The majority were Ugandan citizens, but some were Rwandese nationals. Although the Obote government publicly invited these persons to return to Uganda as part of its stated policy of reconciliation and no revenge, it was reluctant to support a full-scale repatriation of the Banyarwanda, including those with valid legal claims to Ugandan nationality. Possibly 25,000 Banyarwanda have spontaneously repatriated themselves since the coup, mainly settling in southwestern Uganda, an area under NRA control. There were credible reports that some Banyarwanda returnees had been recruited into NRA forces. At the end of 1985, an estimated 200,000 persons out of Uganda's population of 15 million still lived abroad.

The IMG has appealed to the international community for assistance in resettlement of displaced persons, but the security situation during most of 1985 prevented implementation of such efforts.

Given the poor security and economic situation, there were few non-Ugandans seeking refuge in Uganda. There were no reported incidents of Uganda forcibly repatriating foreign refugees in 1985.

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

Internal rivalry led a portion of the Uganda National Liberation Army (UNLA) leadership--dominated by members of the Acholi ethnic group--to seize control of the government in July 1985 and to establish an Interim Military Government (IMG), headed by a Military Council. The IMG suspended political activity but it did not disband political parties. The IMG recruited into the Military Council and civilian Cabinet a cross section of ethnic, political, and religious personalities to form a relatively broad based government, excluding, however, supporters of Museveni's NRA. Four months of negotiations, hosted by President Daniel Arap Moi of Kenya, came close to bringing the NRM into the Council, but these arrangements collapsed in early 1986.

President Obote and the Uganda Peoples Congress (UPC) ruled Uganda for nearly 13 of its 23 years as an independent nation (1962-71, and 1980-85). During these periods, Uganda maintained the structure of a parliamentary democracy, with elections, universal suffrage, legal opposition parties, and a free press. The legitimacy of this democracy was called in

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question under the first Obote government by postponement of elections after 1962. There was a widespread belief that the Obote government used its power to manipulate the 1980 general elections. Democratic structures also were weakened by the second Obote administration's extralegal actions, e.g. through arbitrary arrest of suspected political opponents and by the politicization of the armed forces and the exacerbation of ethnic divisions.

At least five guerrilla groups of various sizes operated in Uganda during the period 1981-85. Each had an ethnic base. In addition to Museveni's National Resistance Movement and Army (NRM/NRA), dominated by the Banyankole, there were: the Federal Democratic Union of Uganda (FEDEMU), the Uganda Freedom Movement (UFM), the Uganda National Rescue Front (UNRF) and the Former Ugandan National Army (FUNA). The majority of the members of the first two groups--often led by former government soldiers but composed primarily of ethnic Bantu civilians turned guerrillas--were inside Uganda at the time of the coup. Members of the second two groups--largely led by and made up of ethnic Nilotics and ethnic Sudanics who had served in the armed forces during the 1960's and 1970s--were mostly in exile in Sudan and Zaire at the time of the coup.

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

The Obote government was highly sensitive to any foreign criticism of Uganda's human rights record and publicly disputed Western reports of human rights violations in Uganda, including the highly critical June 1985 Amnesty International special report on the status of human rights in Uganda. The Obote government invited representatives of Amnesty International to visit Uganda's detention centers but the trip did not materialize because of the July 27 coup. Amnesty International in its 1985 Report (covering 1984) focused its concern on the detention without trial of hundreds of alleged political opponents of the Obote government. Freedom House rated Uganda "partly free."

One of the first acts of the Interim Military Government was to appoint as Minister of Internal Affairs, Paul K. Ssemogerere, leader of the opposition Democratic Party and long-time critic of the Obote regime's stand on human rights practices. While there continued to be serious human rights violations in Uganda due to the IMG's inability to control its troops and associated forces, the IMG made a credible effort to confront and report these incidents.

The largest of the nongovernment organizations in Uganda, the International Committee of the Red Cross (ICRC), continued its programs of prison visits to both IMG and NRA controlled facilities, tracing, family reunification, and emergency assistance in disturbed areas. The ICRC has not been able, however, to gain permission to enter military barracks where detainees are held. The Uganda Red Cross continued to be very much in the forefront of relief efforts and other public service work and has been tasked with helping to resettle Banyarwanda returnees at such time as that program can commence. Other nongovernmental organizations working in Uganda include the League of Red Cross Societies, Oxford Famine Relief, Save the Children Fund, Doctors without

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Borders, the German Emergency Doctors, as well as many foreign religious organizations.

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Uganda's estimated population of 14.7 million is growing at the annual rate of 3.1 percent, according to the World Bank. Gross national product per capita in 1983, the last year for which figures are available, was \$220 and has probably dropped since then due to the disruption of the economy by civil strife.

In the modern sector there are constraints on the economy, notably a government monopoly on purchasing key agricultural crops for export, but both the Obote and current Governments have generally encouraged a free market economy. Coffee exports are the source of over 90 percent of Uganda's foreign exchange earnings. By November, however, much of the processing of the coffee crop was disrupted because of the civil war. This situation seriously affected Uganda's ability to pay for essential imports, particularly petroleum products. Nevertheless, Uganda has great economic potential with important agricultural assets, including fertile soils, regular rainfall, substantial deposit of minerals such as tin, copper, and cobalt, a tradition of productive local enterprise, and facilities such as a road network and hydroelectric power. The Obote government, with IMF assistance, introduced ambitious economic reform measures starting in 1981 but later abandoned these measures as the overall security situation worsened, and inflation soared to a projected rate of 175 percent by late 1985. Following the coup, the IMG began talks with the IMF with a view toward eventually reinstating a reform program.

Life expectancy at birth is 49.1 years. The health infrastructure, which was devastated during the 1970's, continued to be one of the government's top priorities in 1985. Infant mortality is one index of the breakdown in health care. According to UNICEF, one village near Kampala experienced an infant mortality rate of 32 deaths per 1,000 live births in the late 1960's; this had risen to over 90 in 1984. In 1985, the national infant mortality rate was 112.8 per 1,000 live births, up from 92.6 in 1984, according to World Bank figures.

Both the Obote and present Governments have made rehabilitation of the educational infrastructure, internationally renowned in the 1960's and a notable casualty of the Amin period, a top priority, together with medical services. However, there were credible reports that funds earmarked for education in the Obote government were diverted by personal and government party corruption. What educational renewal has taken place in the past 5 years has resulted from foreign assistance and from many self-help groups formed by parents, teachers, religious, and other civic groups which have provided much of the material and labor to rehabilitate schools. In 1982, a relatively peaceful year, the primary school enrollment ratio was 68 percent of the eligible children (79 percent for males, 57 percent for females). The adult literacy rate in 1980 was 52 percent (65 percent for males, 40 percent for females).

Minimum age for employment is 12 years except on light work which the Minister of Labor may exempt by statutory order. In

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addition, there are restrictions for employing persons under 16 years old in mining and at night--apprenticeships exempted. The minimum wage is that of the lowest paid person employed by the Kampala City Council, currently about \$14 per month.00). Medical care is to be provided by employers.

Women are not legally discriminated against or officially restricted from education or employment. However, their access to education has been declining, according to United Nations International Children's Emergency Fund, as the educational system deteriorates and the economy declines. Families withdraw daughters rather than sons from school in times of economic hardship. At the same time, women have been active in politics at the grass roots level and have held several senior positions in national parties as well as in government. There were no women of cabinet-level rank in the IMG government.

The country's boundaries cut across contiguous tribal areas and group together mutually distrustful ethnic groups. Historical animosities between ethnic groups have been exacerbated by Uganda's political problems and, in particular, by the ruination of the country's economic and political infrastructure during the Amin years, from which the country has not recovered. Particularly damaging was the 1972 expulsion of an estimated 70,000 persons of Asian heritage who comprised the backbone of Uganda's entrepreneurial and skilled trade resources. The cumulative result of Uganda's long-term ethnic civil conflict has led to a breakdown of the country's social fabric. Two ethnic groups commonly are subject to discrimination in delivery of the government's economic and social services. These are the Banyarwanda and Karamajong. As noted above, the Banyarwanda have suffered expulsion from and displacement within Uganda. The Karamajong, who live in northeastern Uganda, have had indiscriminate military action directed against them in reprisal for their violent cattle raiding.

U.S. OVERSEAS - LOANS AND GRANTS - OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S. FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: UGANDA

	1983	1984	1985	
I. ECON. ASSIST.-TOTAL...	7.8	9.1	9.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	7.8	9.1	9.0	
A. AID	7.6	9.1	9.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	7.6	9.1	9.0	
(SEC. SUPP. ASSIST.)...	0.0	0.0	0.0	
B. FOOD FOR PEACE.....	0.2	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.2	0.0	0.0	
TITLE I-TOTAL.....	0.0	0.0	0.0	
REPAY. IN \$-LOANS.....	0.0	0.0	0.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	0.2	0.0	0.0	
E. RELIEF. EC. DEV & WFP.	0.2	0.0	0.0	
VOL. RELIEF AGENCY.....	0.0	0.0	0.0	
C. OTHER ECON. ASSIST...	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
PEACE CORPS.....	0.0	0.0	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II. MIL. ASSIST.-TOTAL...	0.1	0.1	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.1	0.1	0.0	
A. MAP GRANTS.....	0.0	0.0	0.0	
B. CREDIT FINANCING....	0.0	0.0	0.0	
C. INTL MIL. ED. TRNG...	0.1	0.1	0.0	
D. TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E. OTHER GRANTS.....	0.0	0.0	0.0	
III. TOTAL ECON. & MIL...	7.9	9.2	9.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	7.9	9.2	9.0	
OTHER US LOANS.....	0.0	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	0.0	0.0	
ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	
			1946-85	
TOTAL.....	140.0	164.8	99.9	753.7
IBRD	0.0	0.0	0.0	8.4
IFC	9.7	2.9	0.0	15.8
IOA	124.0	123.0	71.9	559.9
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	38.1	17.7	83.0
UNDP	1.1	0.8	0.0	54.7
OTHER-UN	5.2	0.0	10.3	31.9
EEC	0.0	0.0	0.0	0.0

ZAIRE

President Mobutu Sese Seko, who seized power in 1965, heads both the Government (appointing the Prime Minister and his Cabinet) and the party, the Popular Movement of the Revolution, (appointing the members of its highest organ, the central committee) of Zaire. The President has the constitutional power to promulgate laws by decree. In theory, authority is shared with the popularly elected Legislative Council. In practice, the Parliament rarely disagrees with presidential decisions, although decrees are usually preceded by consultations with party leaders and legislators. The single party automatically includes all citizens as members. The Executive Council (Prime Minister and Council of Ministers), the Legislative Council (unicameral parliament), the judiciary, and the only labor union (National Union of Zairian Workers) are all organs of the party.

A complex of security organizations, notably the civilian National Documentation Agency, the paramilitary gendarmerie and Civil Guard, and the armed forces (particularly the military intelligence action service and the Special Presidential Brigade) share responsibility for identifying and controlling potential internal and external threats to Zaire and the Mobutu Government. These organizations wield broad powers and influence, which allows arbitrary harassment and detention of ordinary citizens as well as suspected political opponents of the Government. Throughout 1985, continued instability affected the region along Lake Tanganyika in Eastern Zaire, from Uvira in Kivu region down to Moba, with rebel attacks against Kalemie and, once again in May, Moba itself, which had been a rebel target in 1984.

Zaire has a mixed economy. Though major mining and transportation activities are state-owned, private enterprise is the rule in the other sectors, with the State often holding a minority equity position in larger firms. Individuals are permitted to pursue business interests in almost all sectors of the economy and are allowed to own property. Zaire shares the economic problems of most sub-Saharan African countries, including low income levels and inadequate infrastructure and health care. More than 10 years of low base metal prices have had a severe effect in Zaire. After several unsuccessful attempts, Zaire launched a serious, extensive economic reform program in January 1983. That program achieved significant progress in stabilizing the economy and continued in force during 1985.

The changes in the human rights situation in 1985 were mixed. The continuing instability in eastern Zaire led to a sharply deteriorating human rights situation there, with many civilian casualties caused by the fighting between government military forces and the rebels. A number of members of a group advocating a second political party were rearrested and banned to the interior of the country in October and November. Harassment of citizens by law enforcement personnel and inordinate delays in processing of detainees remained serious problems. There were, however, concerted efforts by the Government to reconcile differences with political dissidents, notably former prime minister Nguza Karl-I-Bond who returned to Zaire, as well as signs of greater government awareness of shortcomings in the judicial and penal systems. President Mobutu took over the Minister of Justice portfolio early in the year and named a commission to investigate prison and judicial performance which did effect at least short-term reforms in

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some parts of the country. Less successful but still positive efforts were undertaken to end the corruption in prison administration which permits poor conditions, beatings, and in some cases prisoners to starve to death. Zaire continues to provide sanctuary to over 300,000 refugees and displaced persons from neighboring countries, primarily Angola.

RESPECT FOR HUMAN RIGHTS

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

. a. Political Killing

The only substantiated reports of killing for political motives were in eastern Zaire where there was fighting between government forces and insurgents. There is credible evidence that both government forces and the insurgents carried out a number of summary executions early in the year, although it was not always possible to differentiate clearly between such killings and combat deaths.

b. Disappearance

There have been several reports of disappearance from detention facilities during the year, at least two of which appear to be credible. The situation was more serious in the insurgent area in eastern Zaire early in the year. There, people have disappeared and can be presumed to have been killed by government security forces. It is difficult to estimate the number of disappearances, as numerous individuals and entire villages have been affected by the fighting and have fled or relocated, making it virtually impossible to determine how many moved or died in the fighting and how many have disappeared under other circumstances. Although the situation appears to have improved significantly in late 1985 due primarily to better army leadership, there are reports that at least 100 people have disappeared from the Kalemie-Moba area as a result of military reprisals.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Government claims not to condone torture and denies allegations that torture is administered by its officials during interrogation. However, Amnesty International maintains that torture and physical mistreatment of detainees is routine in most Zairian places of detention. There is little question that mistreatment of detainees, particularly beatings at time of arrest and during preliminary interrogation, is the rule rather than the exception. Criminal penalties do not include physical punishment or mutilation. In fact, however, abuses of all kinds are endemic in Zaire's jails and prisons, with reports of unsanitary and crowded facilities, malnutrition, and starvation among prisoners. The reasons for this situation include lack of concern at senior levels, incompetence, corruption, and budget reductions imposed as a result of the economic reform program. The Government has begun to take steps to correct some of these abuses. President Mobutu took personal charge of the Ministry of Justice early in 1985, primarily in response to evidence of malfeasance in the administration of justice and prisons. The Government has taken steps, described in section 1d, to remove and prosecute corrupt prison officials and to speed up processing of criminal

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cases, but there probably have been only limited improvements in prison conditions. The underlying social and economic conditions which lead to abuses in the prisons are ingrained.

Undisciplined and underpaid police and military personnel abuse their authority by harassing and extorting money from civilians. In 1985, there was a significant increase in reports of civilians killed in such incidents. In spite of the popular discontent these practices create, and some greater attention given by the authorities to improve discipline, security personnel are rarely punished for misconduct.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and prolonged detention without charges remain common occurrences, affecting most people who come into contact with the criminal justice system. Although habeas corpus or its equivalent and bail do not exist, by law those arrested must be brought before a magistrate to hear charges within 48 hours of arrest. In practice, however, suspects are often arrested and held for months without a hearing. Detainees with financial resources are known to buy their way out of detention without ever having charges formally filed.

The Government took serious steps during 1985 to begin coming to grips with this problem. A high-level commission composed of the Secretary of State for Justice, the President of the Supreme Court, the chief public prosecutor, and a legal adviser from the President's office was named in March to begin a nationwide investigation of prosecution practices and the status of the prison populations. The commission has completed its review of detainees in Kinshasa, leading to the release of numerous detainees, the dropping of charges against many others, and faster processing of the remaining criminal cases. The commission has not yet had a significant impact on the interior of the country, where the situation is undoubtedly as bad as in Kinshasa, and it remains to be seen whether it will have any significant long-term effect. The Government and the bar association continue to implement other programs begun in 1983 and 1984 intended to improve the system of administering justice, to provide free legal counsel, and to educate people on their legal rights. However, as is the case with poor prison conditions, the underlying social and economic conditions which lead to the abuses in the system are ingrained.

Advocacy of a multiparty system or opposition to the party-state are both unconstitutional and illegal, as are actions which question the authority of the President and the political system. When formally arraigned, most political detainees are charged with subversion or "attempts against the internal security of the state." In addition to judicial sanctions for such activity, nonjudicial sanctions against persons suspected of threatening state security are authorized by law, ranging from administrative detention and house arrest to internal exile to native villages and restriction of movement and travel. A number of militants of the group seeking recognition as a second political party, the Union for Democracy and Social Progress (UDPS), including their spokesman, Tshisekedi Wa Mulumba, were arrested under these provisions in October. Tshisekedi and another leader were sentenced in January 1986 to 18 months in prison for insulting the President. In practice, most individuals detained for political reasons are held by means of these nonjudicial sanctions and are not formally charged or tried, remaining in

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detention or internal exile until the President chooses to release them. Such arrests are made openly, and the whereabouts of detainees is known, at least unofficially, although it is sometimes not acknowledged by the Government. There are security prisoners in Kinshasa who have not been visited by family members for over a year and who can be considered as being in incommunicado detention. There were no known cases of exile or expulsion of Zairians from the country in 1985.

Estimates of people detained or sentenced for essentially nonviolent expression of political beliefs vary greatly and are often out of date as detainees are released or others arrested, often for short periods of time. Estimates early in 1985 ran as high as 100 or more. An amnesty granted in June included a large number of people associated with the UDPS who had either been detained or relegated to native villages, including the remaining members of the "group of 13." By mid-September, UDPS officials believed that only about 12 sympathizers remained in detention, most of them having been detained in Kasai Oriental region in March after disturbances in a village to which a UDPS leader was "relegated." That situation changed in October as a number of additional UDPS sympathizers were held for varying periods of time. In addition, as many as 10 people who were arrested in connection with the 1984 bombing incidents in Kinshasa remain in custody. The Government maintains that they are terrorists but has never formally charged or tried them. Many people remain in detention in the Kalemie-Moba area in eastern Zaire, although it is difficult to distinguish political detainees or prisoners from those detained for participation in an armed insurgency. The best estimate of the number of political detainees or prisoners at the end of 1985 was 50-60. The Government maintains that it holds no political prisoners.

At its 1983 session, the International Labor Organization (ILO) in Geneva cited the Government of Zaire for not being in conformity with ILO Convention 29 pertaining to forced labor. This citation stemmed from Zairian legislation providing for compulsory civilian service for graduates from pedagogical and technical institutes, as well as from a government ordinance providing for imprisonment with compulsory labor for tax defaulters. The Government responded that amendments to the legislation were in process, although it is not clear whether they have been passed. There are no known instances in which tax defaulters have actually been sentenced to compulsory labor, although imprisonment at hard labor is a common sentence for those convicted of crimes.

e. Denial of Fair Public Trial

Defendants are guaranteed by the Constitution the right to a public trial and defense counsel. In practice, however, most citizens are not aware of those rights, and there are insufficient lawyers in Zaire to provide adequate counsel to most defendants. When available, defense counsel generally function freely and without coercion from the Government. Most defendants who are aware of their rights avail themselves of the right to appeal. Decisions of the court of state security involving national security, armed robbery, and smuggling are not subject to appeal (appeal to the Court of Cassation is permitted only on questions of law, not of fact), although all other procedural protections of the criminal code do apply. Military court procedures also do not provide for appeal.

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While military courts generally try only cases involving military personnel, in time of emergency or during military operations (as was done in the Moba-Kalemie area in late 1984), the President can suspend civilian courts and transfer jurisdiction over all cases to military courts.

The fairness of trials is uneven. Poorly paid magistrates are known to accept bribes, and it is essentially those unable to pay such bribes who are subject to the full rigor of the judicial system. All judges are members of the sole political party and are subject to party discipline. The result is that, while judges are nominally independent and in fact perform their function without political interference in the great majority of cases, in sensitive or highly politicized cases the judges operate under instructions from the executive or security forces.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

All Zairians are automatically members of the sole political party, the Popular Movement for the Revolution (MPR). The ideology of the MPR, and thus the only acceptable profession of political thought, comprises the views and policies of the party's president and founder, Mobutu Sese Seko.

The party and state security organizations extend down to the neighborhood level, and both maintain liaison offices in all government agencies (including military units, universities, Legislative Council, ministries, etc.). Party officials, civil servants, armed forces personnel, parliamentarians, and employees of state enterprises pay an obligatory tax to support the activities of the party's major organs (cadre training, mobilization, propaganda, and youth). These party cadres are also required to attend the party's training institute. Nonattendance can result in reprimands and suspensions. Government employees, market vendors, and blue-collar workers are often required to participate in public events--parades, official arrival and departure ceremonies, etc.--or risk being suspended from their jobs.

Mail is opened sporadically by security services, some telephone conversations are tapped, and government informers monitor places of residence as well as of work. In line with the party-state's ideology of "Zairian authenticity," Zairian men are forbidden to wear ties and women to wear slacks or wigs. Zairians are also forbidden to use non-African names.

Judicial warrants are required by law before the police are permitted to search a home, except in cases of threats to national security. In practice, however, police and security authorities enter and search without such warrants. In civil cases where defendants have been found guilty of fraud or embezzlement from the Government, their property and homes can be seized and confiscated without reimbursement.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Constitution guarantees the right of every citizen freely to express his opinions and feelings, either orally or in writing, but subordinates that and all other rights to the need to ensure "public order and good conduct."

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Radio and television are owned and operated by the State. The major newspapers are privately owned but are believed to depend upon significant government subsidies to survive. In addition, they receive most of their news from the Zairian National Press Agency (AZAP), a state-owned and -operated organization. AZAP is also the principal source of information about news from abroad (drawn primarily from the French and Chinese news agencies' wire services) disseminated to Zaire's media. All of the media are expected to promote the ideals and principles of the sole political party. Publishers and editors are generally active party members. Commentary on politically sensitive internal issues as well as on foreign policy options is discouraged, and direct criticism of the President is forbidden. While journalists are circumspect in their criticism of other high officials as well, criticism of certain government practices, inadequate services, and corruption frequently appears in print.

Media censorship tends to be self-imposed. Journalists must be members of the press union in order to practice their profession, and the threat of ouster from the union and consequent loss of livelihood reinforces self-censorship. There are several clandestine presses which operate sporadically, printing flyers and handbills critical of the Government and the ruling elite. The theater, songs, and organized street gossip are important forms of communicating popular opinions and news.

Artistic and academic freedom of expression are subject to the same restrictions and self-censorship as the press. Mandatory membership in professional organizations and well-developed informer networks serve to discourage dissent. From time to time, books, records, films, and certain issues of magazines are banned. Imported publications, including books and periodicals, are subject to censorship if they are critical of Zaire or its Government.

b. Freedom of Peaceful Assembly and Association

Only the party and its affiliates may hold public meetings. The Government permits the existence of nonpolitical associations, but they must notify authorities when they plan meetings or activities involving more than five people. The Government can also prohibit meetings which continue after 9 p.m. Meetings of nonofficial organizations and of some religious sects (see Section 2c below) have been disrupted on occasion by government agents because of suspected political activities.

The labor movement in Zaire is limited to one national union, The National Union of Zairian Workers (UNTZA), which is an integral unit of the sole political party. The secretary general of UNTZA is a member of the party's central committee, and union officials at the regional level serve on regional party committees. UNTZA has the right to bargain collectively and provides significant social and educational services to members and their families. It works with the Government to improve worker benefits. However, it is unable to promote worker interests or defend worker rights which differ from those approved by the Government and party. The right to strike is embodied in the labor law, but because the law establishes lengthy and mandatory arbitration and appeal procedures which result in the resolution of most labor disputes, in practice officially authorized strikes do not

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occur. There were numerous short, unauthorized but tolerated strikes in both the public and private sectors during 1985 which generally succeeded in focusing government and management attention on union concerns.

Membership in UNTZA is compulsory for civil servants, employees of state enterprises, and employees of private firms with at least 20 employees. Over 800,000 workers are dues-paying members. However, the overwhelming majority of the work force is self-employed, either in the unofficial sector or in subsistence agriculture, and is not covered by the Union. UNTZA participates actively in the ILO and the Organization of African Trade Union Unity, and maintains ties with a number of foreign labor confederations.

c. Freedom of Religion

Zairians enjoy freedom of religion, which is recognized in the Constitution. The Government officially sanctions most of the major world religions and provides procedures for new churches to obtain government recognition. Traditional African religious groups are tolerated but not officially recognized. The major religions in Zaire are: Catholicism--50 percent, Protestantism (including Kimbanguism)--36 percent, and Islam--5 percent. The Government has at times banned or harassed religious groups or activities considered to present a political challenge. Although in recent years this has not happened to the large recognized religious groups, there were instances in 1985 of small sects being harassed or closed down when they were suspected of pursuing political rather than religious aims.

Recognized religions are free to establish places of worship and to train clergy. Expatriate missionaries are allowed to proselytize and to serve both Zairian and expatriate congregations. Most churches maintain active links with coreligionists outside the country. Religious affiliation confers neither advantage nor disadvantage with respect to secular status.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government at times imposes special documentation requirements for travel to areas of unrest or security concern. As noted earlier, the Government also imposes against some dissidents the nonjudicial sanction of restriction to villages of origin. All citizens, refugees, and permanent residents must carry government-issued identity cards, and police and military personnel often set up checkpoints along major roads to inspect papers. Those whose papers are not in order pay a fine or spend time in jail. In principle, any Zairian citizen may obtain a passport and exit visa, although on occasion government and security officials have impeded issuance in order to prevent or disrupt travel of persons suspected of political opposition. A married woman must have her husband's permission before obtaining a passport but does not need his approval to travel.

In May 1985, there were approximately 50,000 Zairians living as displaced persons or refugees in neighboring countries. Many refugees and displaced persons have returned under amnesties declared in 1978 and 1983, and negotiations occur sporadically with refugee groups or the countries where they reside for

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additional repatriations. It is likely that many Zairian displaced persons could return to Zaire if they wished. A number of political opponents of the Government, however, live in self-imposed exile in Europe and probably could not safely return without renouncing their political views.

In May 1985, Zaire was providing a safehaven to approximately 330,000 displaced persons from neighboring countries. Generally such people pass freely into Zaire and are allowed to settle on the land or seek employment. They tend to become self-sufficient and are often integrated into the Zairian economic system within a few years of arrival. The Government considers them to be resettled until such time as they decide to return to their country of origin. Although the Zairian Government generally accepts displaced persons, it does not have the resources to provide assistance beyond free land, and international agencies play an active role in providing humanitarian assistance. At times, displaced persons from neighboring countries (particularly Angola) have been detained or harassed by security forces on suspicion of illegal political activity.

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

The key instruments of political power in Zaire are highly centralized and controlled by the President, who makes all important decisions. Under Zaire's Constitution, the state is essentially the executive organ of the country's sole political party, the Popular Movement of the Revolution. Party congresses meet every 5 years under the guidance of the President to set national political guidelines which are then supplemented by resolutions of the party's central committee. These policies are executed by the Prime Minister and Cabinet, who are appointed by the President.

Suffrage is universal over age 18 and voting is mandatory, enforced by penalties including fines or arrest. The national Parliament, municipal councils, rural and urban zone councils are chosen by direct popular elections which take place every 5 years, with the most recent having been in 1982. All candidates are members of the party (as are all citizens of Zaire) and are screened by party committees at the appropriate level, but voters generally have a choice of candidates (in the 1982 parliamentary election there were an average of five candidates per district). The President is popularly elected for a 7-year term, after nomination by the party central committee. President Mobutu was reelected in 1984 to a third term in office.

Citizens have no right to change their government through present institutions. Since 1980, a group of former parliamentarians has been involved in an effort to establish a second political party, the Union for Democracy and Social Progress (UDPS). Their efforts have generally been rebuffed by the official party and by the President, and they have suffered arrest and detention at various times over the past 5 years. Most members of the group, including all of its leaders, were released from internal exile in June 1985 and later entered into a dialogue with President Mobutu. That dialogue succeeded neither in convincing the UDPS members to rejoin the official party nor in convincing the President to open up the political system to another party. Later in 1985, a number of UDPS members were again arrested and banished to the interior.

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

The Government maintains that Zaire has nothing to hide in terms of human rights policies, and it denies charges of systematic or serious violations. Its attitude toward external investigation of alleged human rights violations has been mixed. Zaire allows the International Committee of the Red Cross (ICRC) to visit detention places and prisons. The ICRC, which has had a permanent representation in Zaire since 1978, continued its efforts in 1985 to gain access to all detainees held for security reasons. In 1985, the ICRC visited detention centers and prisons in Kinshasa, Kasai Oriental, Shaba, and Kivu. Moreover, the ICRC was given access to evaluate the situation in the subregion of Tanganyika following the insurgent attacks in the Kalemie-Moba area.

Amnesty International's 1985 Report levels harsh criticism at Zaire, although most of the examples used in that report date from 1984 and earlier. In April, Amnesty International submitted information on its human rights concerns under the U.N. procedures for confidentially reviewing communications about human rights violations. The Government contends that Amnesty International's reports are inaccurate, biased, and derived primarily from misinformed Zairian dissidents in Europe. Zaire has not allowed its representatives to visit the country since July 1982. The Government has consistently maintained that international action in the field of human rights should be strictly circumscribed by the principle of noninterference in the internal affairs of sovereign states. A local organization purports to study human rights issues, but it does not address itself to specific Zairian problems, concentrating instead on general issues. Freedom House rates Zaire as "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Zaire is sub-Saharan Africa's second largest country in area and third largest in population (32 million). The annual population growth rate is approximately 2.7 percent, and the per capita gross domestic product was estimated at only \$170 in 1983. Because of low capital investment and poor maintenance, Zaire's basic infrastructure, particularly transportation, marketing, and communications, has deteriorated steadily since independence.

At the end of 1982, the Government instituted a stringent economic and financial recovery program developed with the assistance of the International Monetary Fund (IMF). Zaire has adhered to that program for 3 years, implementing measures to liberalize its economy and instituting management reforms. Price liberalization has encouraged greater food production. Limiting public expenditures and employment is another reform measure. While there are now signs that the economy is beginning to recover after more than a decade of decline, the short-term social and economic effects of the measures have aggravated the already precarious economic circumstances of many urban people. Major structural problems in transportation, public health, and education will be overcome only with time.

Unemployment and underemployment are serious problems. Since independence, the percentage of rural population engaged in subsistence agriculture has increased to 75 percent. During

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the past several years, industry has operated at only 30 to 40 percent of capacity. Since remuneration in the public service sector is inadequate and sporadic, many civil servants must supplement their incomes through commercial activities. Low salaries and job insecurity have also contributed to corruption in the Government and military. Low wage levels remain a problem, although government reforms include a new minimum agricultural wage, a higher minimum industrial wage, and revision of the Government's personnel system to provide comparable pay for comparable work throughout the military and civil service.

Reflecting malnutrition and other health problems, the infant mortality rate in 1985 was 106 per 6,000 live births, and the life expectancy at birth was 51.6 years. Health care is curative rather than preventive and is extremely limited in quality and availability in both urban and rural areas. In 1979, the population per physician was 14,780 and per hospital bed was 350. Access to safe water is limited, especially in rural areas.

The literacy rate in Zaire for persons over 15 varies regionally but was estimated at 55 percent nationally in 1980. Approximately 37 percent of women are literate. Lack of books and supplies, high dropout rates at all levels, teacher strikes, poor teacher quality and, most recently, serious reductions in teaching and research staff have contributed to a declining quality of education at all levels throughout the country. Unofficial regional and ethnic quotas designed to protect various ethnic groups from exclusion are implemented in the university system.

Worker rights are protected by law, but the fact that such a large percentage of the work force is in the unofficial sector limits the effectiveness of those laws. The minimum age for employment in Zaire is 14 years. However, many children younger than 14 engage in various income-earning activities and are often a major source of family income. The same is true with regard to conditions of work. Workers employed in the public and organized private sector have generally acceptable conditions of work: working hours are set by law and collective bargaining and do not exceed 48 hours a week; workers enjoy a full 24-hour rest day per week, and many have a 48 hour weekend; paid holidays and vacations are required by law and are included in all labor contracts; and workplaces are required to meet minimum health standards set by law. While wages are generally above the minimum wage, that minimum, by itself, is insufficient to provide a decent living for a worker. In the official private sector, benefits often make up more than half of the total wage package, but in the public sector total remuneration does not provide a decent living. The results are corruption and workers taking on second jobs, often in the unregulated informal sector.

The role of women in Zairian society is given great emphasis in party doctrine. Women's rights to own property and participate in the political and economic sectors are protected by law, and a growing number of women work in the professions, government service, and the universities. Nevertheless, custom, tradition, and existing law continue to constrain women from attaining a position of complete equality in society. Women generally earn less than their male counterparts in the same jobs. In addition, married women must obtain their husband's authorization before opening a bank account, accepting a job, and renting or selling real estate.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: ZAIRE

	1983	1984	1985
I.ECON. ASSIST.-TOTAL...	29.9	46.0	56.1
LOANS.....	10.0	15.0	20.4
GRANTS.....	19.9	31.0	35.7
A.AID	14.5	25.6	35.5
LOANS.....	0.0	0.0	0.4
GRANTS.....	14.5	25.6	35.1
(SEC.SUPP.ASSIST.)...	5.0	10.0	10.4
B.FOOD FOR PEACE.....	10.9	15.8	20.6
LOANS.....	10.0	15.0	20.0
GRANTS.....	0.9	0.8	0.6
TITLE I-TOTAL.....	10.0	15.0	20.0
REPAY. IN \$-LOANS....	10.0	15.0	20.0
PAY. IN FOR. CURR....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.9	0.8	0.6
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY....	0.9	0.8	0.6
C.OTHER ECON. ASSIST...	4.5	4.6	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	4.5	4.6	0.0
PEACE CORPS.....	4.5	4.6	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	10.1	7.8	8.3
LOANS.....	2.0	0.0	0.0
GRANTS.....	8.1	7.8	8.3
A.MAP GRANTS.....	7.5	7.0	7.0
B.CREDIT FINANCING....	2.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.6	0.8	1.3
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	40.0	53.8	64.4
LOANS.....	12.0	15.0	20.4
GRANTS.....	28.0	38.8	44.0
OTHER US LOANS.....	1.0	9.9	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	1.0	9.9	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1983	1984	1985	1946-85
TOTAL.....	92.4	158.9	154.4	1400.1
IBRD	0.0	0.0	0.0	221.7
IFC	0.2	0.6	21.9	27.6
IDA	88.5	66.5	91.4	653.5
IDB	0.0	0.0	0.0	0.0
AQB	0.0	0.0	0.0	0.0
AFOB	1.5	89.5	41.1	204.7
UNDP	2.2	2.3	0.0	73.9
OTHER-UN	0.0	0.0	0.0	26.3
EEC	0.0	0.0	0.0	192.4

ZAMBIA

Zambia is a one-party state in which individual rights, basic freedoms, and due process are generally well observed while some political rights are restricted. Much of the decisionmaking power is concentrated in the hands of the President, Kenneth Kaunda, who, unopposed, was reelected in 1983 to his fifth consecutive five-year term. He is advised by a central committee of party leaders and governs through a Cabinet and a Parliament elected through controlled elections. The President possesses sweeping powers--conferred on him by emergency legislation which dates from 1964--to suspend observance of legal rights in the "interest of state security." The Constitution also allows the National Assembly to suspend basic constitutional guarantees. Candidates for political office at any level must be members of the United National Independence Party (UNIP).

Zambia's economy continues to be severely depressed due to such factors as low prices for the country's mineral exports, the high cost of basic imports, inadequate agricultural production, and statist policies. Also, the rapid rate of population growth is outstripping increases in productivity. There has been a continuing decline in the standard of living, but the Government is taking steps to improve the management of the economy and to encourage the private sector, including removing agricultural production disincentives, while attempting to maintain delivery of a wide range of social services to the citizenry. Urban crime and smuggling are widespread and growing, severely taxing the limited capabilities of Zambia's police and military forces.

In January 1983, Zambia's high court convicted seven persons of conspiring to overthrow the Government and handed down mandatory death sentences. The convictions were appealed to the Supreme Court, which took testimony in open session during August and September 1984. On April 2, 1985, the Supreme Court reversed the convictions of two men sentenced to death and dismissed the appeals of the other five. The five men facing death sentences have the right to appeal to President Kaunda for clemency. During 1985, over 40 persons were detained under orders signed by the President.

There was no major change in the status of human rights in Zambia in 1985. Zambian institutions such as the press, trade unions, and churches have come under some pressure from central authorities to be more responsive to the wishes of the Government but have maintained to the best of their ability their objectivity, status, and influence. There is strong competition for parliamentary seats within the single-party structure. The National Assembly provides a platform for the spirited consideration of issues. The judiciary is independent and takes full account of the rights of the accused. The trade union movement continues to be one of the best organized and most democratic in Africa, and the churches remain a strong independent force which can unite to defend common interests. Zambia continues to serve as a place of first asylum for refugees in the region.

ZAMBIA

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

During 1985, there were no killings for which there was evidence of political motivation or government instigation.

b. Disappearance

No case of politically motivated disappearance is known to have occurred during 1985.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture, but there are allegations that police and military personnel have used cruel treatment when arresting persons and have resorted to torture when interrogating detainees. Charges of torture and mistreatment are reported freely in the press when victims register their complaints in court. The courts frequently order investigations to ascertain if confessions or statements were made after torture or physical or mental mistreatment and have consistently rejected statements obtained under duress from arrested persons. Abuses of prisoners are reported to include beatings, pain inflicted on various parts of the body, and long periods of solitary confinement. Prisoners have successfully sued the state for damages as a result of prison abuses. The Director of Public Prosecutions has announced that he would meet with the Inspector General of police concerning complaints from prisoners of beatings while in police custody.

Zambian prisons are overcrowded, understaffed, and unsanitary. In the past 20 years, the prison population has grown from 5,000 to 11,000 with no corresponding growth in facilities. Medical facilities are meager, but prisoners with serious medical problems are treated in public hospitals. Prisoners are generally segregated by sex, seriousness of the offense, and age group. There is no institutional differentiation in the treatment of different categories of prisoners charged or convicted under civil or criminal statutes, but Presidential detainees receive better care than that accorded common criminals.

d. Arbitrary Arrest, Detention, or Exile

Under the state of emergency, which has been in effect since independence in 1964, the President has broad discretion to detain or restrict the movements of individuals. Detention procedures have been revised to conform with the provisions of the Constitution and have increased the President's authority. The President can order a detainee to be incarcerated indefinitely and is not legally bound to accept a court's acquittal if he still believes that the detainee is guilty. In practice, however, detainees are almost always released if the court finds in their favor. By law, presidential detainees are entitled to: formal notification within 14 days of the reasons for their detention; publication of their detention in the government gazette; access to counsel; frequent visitation by family and colleagues; immediate representation to the detaining authority; and the right to

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seek judicial review of the detention order by an independent and impartial tribunal after 1 year. Presidential detainees have their cases heard by the high court and have the right to appeal to the Supreme Court. Habeas corpus is, in principle, available to persons detained under presidential order, but the Government is not obliged to accept the recommendation of the review tribunal. It is estimated that approximately 45 presidential detainees are currently held in Zambia.

During 1985, the presidential detention power was used to arrest about 40 persons, many of whom were allegedly involved in illegal drug or currency transactions. Ten of those detainees were released after being detained for periods ranging from a few days to 4 months. Most of the other detainees are seeking their release through court actions, but this can be a slow process which can take anywhere from a few months to several years. Detainees can sue the state for unlawful detention and false imprisonment, and such cases were brought to court during 1985.

Under the state of emergency, law officers and defense personnel have extraordinary powers. Police officers of assistant inspector rank and above may arrest without a warrant and detain a person for up to 28 days if the officer has reason to believe grounds exist to justify a presidential detention order. However, within 14 days police must provide the detainee with the reasons for his detention or his incarceration is void. This requirement is followed rigorously. Security officers have broad powers to search suspects and their homes and sometimes act without warrants when looking for smugglers or illegal aliens.

There is no slavery, involuntary servitude, or forced labor in Zambia. These are prohibited by the Constitution.

e. Denial of Fair Public Trial

The Zambian judicial system consists of a Supreme Court with appellate powers and a series of lower courts--of which the high court is the most important. Presidential detainees are not automatically guaranteed public trials, but the majority have been tried in public. The safeguards of English common law are provided in court cases not involving presidential detainees. Independent observation confirms the independence of the Zambian judiciary from executive branch influence. The President's power to appoint and transfer judges has sometimes been cited as proof that judicial independence can be compromised. However, there is no evidence that such power has swayed court decisions.

There are probably five or fewer detainees who could make a claim to political prisoner status, and even in these cases it is possible that the persons were involved either in acts of violence or in plotting actions involving violence. Three of these detainees are charged with involvement in the alleged 1981 plot to rescue prisoners accused of treason, but they have not yet been brought to trial.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Zambian Government does not require membership in political organizations and usually does not monitor correspondence or telephones or otherwise interfere in family life. The sanctity of the home is generally respected, except

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in isolated incidents relating to the national emergency or to roundups of illegal aliens. In such cases, security forces often do not have search warrants.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

There is considerable freedom of press and speech in Zambia, and the press regularly reports criticism of government activities expressed by sources ranging from elected officials to average citizens. The two national dailies are owned by the Government and the party respectively, but substantial commentary critical of party and government performance is permitted. The Times of Zambia, the party paper, is generally independent of outside direction. The papers discuss economic policy, corruption, and poor administration. However, negative comments concerning the Head of State, the concept of the one-party state, or the national philosophy, "Humanism", are prohibited. Journalists and commentators know the limits of criticism and avoid reporting which could lead to charges of libel and slander. An independent biweekly paper, which is sometimes critical of official policies, is published by an association of churches, and two other independent papers focus on mining and financial subjects. Television and radio are owned and operated by the Government; frequent panel discussion programs provide for a wide range of views on Zambian issues.

While the possibility of censorship of foreign publications and news items exists, it is seldom invoked. Academic freedom is highly respected in Zambian society, and Zambian educators are outspoken in their commitment to an educational system free of government influence. There is little or no governmental influence in matters relating to curriculum, student selection, or faculty assignment.

b. Freedom of Peaceful Assembly and Association

Police permits are required for meetings, rallies, or marches. These permits are issued routinely, unless the Government believes the proceedings are likely to be directed against local authorities. While there is a ban on all political activity outside the one-party structure, Zambia has a profusion of trade associations and professional groups which can serve as unofficial pressure groups on various economic, political, and social subjects.

Zambia has a history of strong labor union organizations, dating from the establishment of large copper mines during the 1930's. Zambia's 18 national labor unions, which are organized by industry or profession, are all members of the Zambia Congress of Trade Unions (ZCTU). Member unions defend worker interests, especially regarding wages and conditions of work, and have the right to bargain collectively. Under existing legislation, strikes are permitted only for specific reasons and only after all other recourse has been exhausted. Virtually all strikes are illegal, since they almost always commence before the mandatory process of mediation has run its course. However, the Government has normally relied on persuasion and continued mediation to end strikes once they have begun. A series of wildcat strikes during 1985, involving workers in such important sectors as finance and mining, resulted in a government decree declaring workers in most sectors of the economy "essential" and therefore liable

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to prosecution for illegal strike action. However, the Government has yet to invoke this decree. The ZCTU is not controlled by the party or Government, and union leaders frequently criticize government policy on such subjects as wages, economic policy, conditions of service, and labor representation in party and government organs. The ZCTU is democratic and regularly conducts open elections to select its leadership. It is active in the International Labor Organization and is a member of the Organization of African Trade Union Unity.

c. Freedom of Religion

Freedom of religion is constitutionally guaranteed and has been supported by President Kaunda. Zambia has no state religion, and adherence to a particular faith does not confer either advantage or disadvantage. Christian missionaries from a wide variety of faiths operate freely in the country. While Jehovah's Witnesses are prohibited from proselytizing, the sect functions openly and its freedom not to participate in various secular activities such as voting, singing the national anthem, and saluting the flag has been upheld in the courts and supported by senior party leaders. Lay associations and religious youth groups operate independently of party control or influence.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The President may, under the emergency legislation, restrict the movement of individuals within Zambia, although this authority is seldom if ever used. The Government also reserves the right to refuse to issue or to withdraw passports to prevent foreign travel by individuals whose activities are considered inimical to Zambian interests. Such restrictions are occasionally applied. Strict currency regulations also serve to inhibit foreign travel or emigration.

Acquisition, loss, or revocation of citizenship is governed by constitutional provisions and laws administered by the citizenship board. However, the President also has power to grant or revoke citizenship on an extraordinary basis.

Zambia has long played host to a considerable refugee and asylum-seeking population that originates in several strife-torn southern African countries. The United Nations High Commissioner for Refugees (UNHCR) estimates that there are about 97,000 refugees in Zambia. The largest group of refugees is from Angola, with significant numbers from Zaire, Namibia, and South Africa. Smaller numbers are from Malawi, Mozambique, and Zimbabwe. Many of the Angolans and Zaireans have spontaneously resettled in western and northwestern provinces since the ethnic compositions on both sides of the border are similar. The Zambian Government operates two large refugee resettlement centers, and the Southwest African People's Organization operates one camp. Urban refugees number approximately 700.

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

Since 1973, the United National Independence Party, with an estimated membership of less than 10 percent of the adult population, has been Zambia's sole legal political party. Power is concentrated in the hands of the President as leader

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of the party and Chief of State. He plays a dominant role in determining the membership of Zambia's top executive institutions, the party central committee and cabinet, although traditionally both bodies contain a general balance of regional and tribal representation.

Candidates for political office at any level must be members of the party and are subject to close examination for suitability by senior party authorities. In practice, the Zambia political system is open to individuals of somewhat divergent opinions provided they are willing to work within the one-party structure and not challenge the President's preeminent position. In the latest parliamentary elections in 1983, 760 candidates contested 125 seats; 40 incumbents were defeated, including 7 ministers of state.

The National Assembly is reflective of constituent interests and sometimes thwarts or modifies executive branch policies and programs. It can also be very critical of such policies, as was demonstrated a number of times in 1985 when members of Parliament railed against government expenditures, poor services, and land allocations. Presidential and general elections are by universal suffrage but the numbering of ballots, which could be cross-checked against voter registration numbers, could undermine the secrecy of the ballot. In the 1983 presidential election, voters had the option of voting for or against the single candidate or abstaining. A total of 63.4 percent of registered voters went to the polls, of whom 93 percent voted in favor of the President.

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

While there is no public record of the Zambian Government having been subject to such investigations during 1985, the Government neither encourages nor hinders inquiries or visits by human rights organizations. In its 1985 Report, Amnesty International was concerned about the detention without trial of alleged opponents of the Government. Freedom House rates Zambia "partly free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Zambia continues to suffer from a prolonged economic recession, marked by inflation, serious unemployment, and scarce financial resources. The application of various economic policies since independence along socialist or centrally managed lines has not lived up to expectations. Real per capita income has fallen below the level at independence, and due to depressed prices for Zambia's copper exports, even total real national income remains below the level reached in 1977. Per capita gross national product fell from \$644 in 1982 to \$580 in 1983. Zambia's 6.8 million population is now growing at the rate of 3.2 percent (2.8 percent in 1970). A 3-year drought during the period 1982-84 reduced food production and forced further reliance on food imports. However, improved rainfall during early 1985 should provide Zambia with a better maize harvest.

In the past three years, the Government has taken a number of measures designed to deal with the country's economic plight. It has restricted public spending, reduced or eliminated government subsidies on essential commodities, raised prices

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paid for agricultural produce, and devalued the currency by introducing an auction system for the purchase of foreign exchange. It is also taking steps to promote private initiative. The economy, however, faces a substantial debt burden and a return to economic growth is not expected for several years.

The average income of rural inhabitants is estimated to be substantially less than one-third the size of the average earnings of urban dwellers. This imbalance has generated heavy rural-to-urban migration (over 40 percent of the population is urban), exacerbating already high unemployment and crime rates in urban areas. Nationwide, unemployment is well over a third of the potential work force. The top 20 percent of households claims over 56 percent of the total income, while the bottom 40 percent gets 11 percent (1976).

In addition, the gap between rural and urban areas in terms of education, housing, nutrition, and the availability of public services is considerable. However, by 1980 about the same percentage of rural dwellers (66.4 percent) had access to safe water as urban dwellers (67 percent). Life expectancy at birth is 51.7 years. The infant mortality rate is 107 per 1,000 live births (1985). The fertility rate is 6.1 live births per woman, one of the highest in the world.

The literacy rate is estimated at 54 percent. According to 1980 statistics on school enrollment as a ratio of population in age groups, almost all Zambia's primary-age children are enrolled in primary school. Less than 20 percent of primary school graduates are admitted to secondary school due to limitations of facilities and resources. Female students can be admitted to secondary school with lower passing marks than male students as part of Zambia's "affirmative action" program.

Zambian law regulates minimum health and safety standards and worker rights in any industrial undertaking. Boards appointed by the Government and including worker and employer representatives fix minimum wages, overtime pay, and conditions of employment. Women are excluded from night work and a variety of hazardous occupations. Although age restrictions apply to the industrial sector, with few cases of employees under age 16, in the commercial and agricultural sectors persons under age 14 are often employed.

Under statutory law, women generally enjoy full equality with men, and women participate increasingly in Zambia's social, economic, and political life. They hold some senior positions in the party, the Government, and the judiciary, and are gaining increasing representation in the professions and higher education. In 1983, the number of women on the party's 25-member central committee was increased from 2 to 4. Nevertheless, the majority of Zambian women still occupy traditional roles. Customary law and practice still compete on a de facto basis in most rural areas with Zambia's Constitution and codified laws. Some customary statutes place women in subordinate or unequal status with respect to property inheritances and marriage. The Law Development Commission is seeking ways to remove such anomalies. In Zambia's traditional society, women's primary role is bearing and raising children.

U.S. OVERSEAS - LOANS AND GRANTS - OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S. FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: ZAMBIA

	1983	1984	1985
I. ECON. ASSIST.-TOTAL...	27.9	36.4	52.4
LOANS.....	22.0	10.0	10.0
GRANTS.....	5.9	26.4	42.4
A. AID	15.5	21.3	42.4
LOANS.....	15.0	0.0	0.0
GRANTS.....	0.5	21.3	42.4
(SEC. SUPP. ASSIST.)...	15.5	21.3	40.2
B. FOOD FOR PEACE.....	12.4	15.1	10.0
LOANS.....	7.0	10.0	10.0
GRANTS.....	5.4	5.1	0.0
TITLE I-TOTAL.....	7.0	10.0	10.0
REPAY. IN \$-LOANS.....	7.0	10.0	10.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	5.4	5.1	0.0
E. RELIEF. EC. DEV & WFP.	5.4	5.1	0.0
VOL. RELIEF AGENCY.....	0.0	0.0	0.0
C. OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II. MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A. MAP GRANTS.....	0.0	0.0	0.0
B. CREDIT FINANCING.....	0.0	0.0	0.0
C. INTL MIL. ED. TRNG....	0.0	0.0	0.0
D. TRAN-EXCESS STOCK....	0.0	0.0	0.0
E. OTHER GRANTS.....	0.0	0.0	0.0
III. TOTAL ECON. & MIL...	27.9	36.4	52.4
LOANS.....	22.0	10.0	10.0
GRANTS.....	5.9	26.4	42.4
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1983	1984	1985	1946-85
TOTAL.....	40.1	104.9	124.3	1152.9
IBRD	0.0	75.0	0.0	655.6
IFC	18.8	5.8	0.0	100.4
IDA	20.3	22.4	52.1	182.6
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	72.2	134.3
UNDP	1.0	0.2	0.0	32.7
OTHER-UN	0.0	1.5	0.0	5.3
EEC	0.0	0.0	0.0	42.0

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Zimbabwe has a parliamentary system based on the British Westminster model. Its Government is controlled by the Zimbabwe African National Union (ZANU)--led by Prime Minister Robert Mugabe--which won an outright majority (64 of 80 "African" seats) in Zimbabwe's first general elections since independence, held in July 1985. The voting was largely free and fair, but ZANU harassment and mistreatment of minority party supporters and violence associated with the activities of the ruling party was a common occurrence both before the election campaign opened and after election results were announced. Under Prime Minister Mugabe, ZANU has stated its intention to transform Zimbabwe into a one-party state, with an ideology broad enough to encompass a diversity of opinions.

Born of a 15-year civil war, Zimbabwe came to independence in 1980 with a heritage of white rule based on institutionalized racial, social, and economic discrimination against the majority black population. At the same time, independent Zimbabwe also inherited the strongest and most complete economic infrastructure in black Africa--mineral resources, a strong agricultural base, and a diversified manufacturing sector--all with significant capacity for growth and for amelioration of economic imbalances. In 1985, the economy rebounded from 3 years of drought, and Zimbabwe produced its largest corn harvest to date. The economy remains troubled by internal security problems and by the increasing instability in South Africa, its largest trading partner.

The security apparatus has three branches: the police and its Criminal Investigation Department, which are responsible for general criminal cases; the Central Intelligence Organization (CIO), which is responsible for investigating security matters; and the armed forces, which have sometimes been assigned responsibility for enforcing internal security, especially in dissident-affected areas. All three branches have violated human rights to some degree during 1985. Most of these abuses were aimed at ZAPU, the ruling party's primary opposition, and its largely Ndebele-speaking supporters.

The human rights climate in Zimbabwe in 1985 continued to be clouded by internal security problems. Political killings and disappearances increased in 1985. The present Government respects the 1980 Constitution's provisions that preserve multiracial democracy and the rights of property but maintains the legal state of emergency, proclaimed in 1960, in force. The Government has made full use of its emergency powers to override constitutional guarantees of several basic human rights, such as freedom from arbitrary arrest and the right to a prompt and fair trial. The emergency powers have also been used to detain without trial opponents of the Government, possibly as many as 3,000 in 1985, including 5 ZAPU members of Parliament and several ZAPU Bulawayo city councilors. Government efforts to control dissident activity and banditry, concentrated primarily in Ndebele-speaking areas in the southwestern part of the country, and ZANU zealots' harassment of minority party members have strained relations between the two major black parties--ZANU and ZAPU--and elicited international attention due to the substantial violations of human rights that resulted on both sides. The judicial system functions independently, frequently ruling against the State on sensitive issues and defending human rights through the rule of law.

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RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

Political killings increased in 1985. Two main factors are responsible for this trend: government efforts to stamp out dissident activity and the tensions that emerged among various political party supporters during the preelection period. Dissident-related killings by security forces are extremely difficult to quantify. However, evidence suggests that some summary executions have occurred in reprisals against rural populations (primarily in Ndebele-speaking areas) believed to have harbored dissident bands. While it is commonly alleged that this practice is widespread, supporting evidence is difficult to obtain, and cases where security forces have been brought to trial are extremely rare. No adequate mechanism exists to ensure that the police investigate crimes that the security forces are alleged to have committed.

Dissident attacks on civilians continued during the year and on a somewhat larger scale than in 1984. The Government has estimated that dissidents killed over 100 civilians, including many local ZANU party officials. There was a clear pattern of targeting of these officials for elimination or harassment by dissidents of uncertain origin. Credible theories as to the identity of the criminals have ranged from ZAPU militants to South African-backed elements to government troops masquerading as dissidents. The Government has made no formal comment on allegations that members of its security forces have posed as dissidents. ZANU members of Parliament have repeatedly denied such charges.

Youth members of ZANU, the ruling party, have been responsible for between 150-200 deaths over the past year, according to the estimates of knowledgeable sources. Victims were, with the exception of two individuals, members of minority parties.

On several occasions, senior ZANU officials, including government officials of cabinet rank, were responsible for inciting party youth through incendiary speeches. As in 1984, reliable sources report that these officials helped to transport party youth to demonstration sites. In most instances, senior party officials have condemned party youth violence, yet their comments have often come too late to halt the violence. After results of the general elections were announced, for example, ZANU youth attacked and killed several minority party members in high-density suburbs in Harare over a period of several days before government and party officials spoke out against such violence. There is strong evidence that police have occasionally been instructed to stand aside during politically motivated violence. Only a very small proportion of the ruling party youth who were picked up by police for their alleged involvement in antiminority party violence have appeared in court.

b. Disappearance

Between 300 and 400 civilians in Matabeleland disappeared earlier this year, and there has been no word on the fate of the large majority of them. Twelve of them who later surfaced were in custody of the Central Intelligence Organization

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(CIO). Many well-placed sources indicate that government security forces were responsible for most of these disappearances. Other sources report that at least some of those who disappeared fled the country to avoid being abducted.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Informed sources report that government security forces, including the police, the military and the CIO, have been responsible for a broad range of mistreatment of suspected dissidents, suspected dissident sympathizers, and minority party members at various government installations. Types of cruel, inhuman, or degrading treatment which have been alleged include repeated beatings, rape, and torture involving electric shock equipment and water suffocation. Cases involving confinement in crowded cells with little or no ventilation and detention for several days in open-air cages have also been well documented.

Informed sources report that the use of torture is routine in a few government facilities, particularly during interrogation of suspected dissidents and dissident sympathizers. The bulk of these abuses reportedly take place in Stops Camp, a police holding center in Bulawayo. Information on the number of persons tortured and on the number of deaths that have resulted from torture is difficult to obtain. However, reliable sources indicate that some deaths have occurred. Sources close to the judiciary point out that persons who have suffered or witnessed torture are frequently unwilling to bring charges or testify in court for fear of reprisals against themselves or their families. Nevertheless, several court cases involving specific charges of torture by security forces are now pending.

In 1985, the Government completed its investigation of allegations of abuses during the security crackdown in Matabeleland North in 1983. So far, the Government has not made the report public as promised by the Prime Minister. While some members of the military have been brought to trial for their alleged mistreatment of civilians, government ministers have so far failed to address claims by minority party Members of Parliament that security forces are systematically mistreating civilians.

Prison conditions in Zimbabwe vary widely. In maximum security facilities, conditions are Spartan. Diet, clothing, and exercise are governed by regulation, and deprivation of necessities is not used as a disciplinary measure. Living conditions are sometimes crowded, with as many as 100 prisoners sharing a large room. Medical services are generally available. Many prisoners are required to do manual or farm labor at prison facilities.

Much less is known of conditions and treatment in CIO and police holding centers, where mistreatment and torture are alleged to have occurred. According to well-placed sources, the major CIO/police holding facility in dissident-affected Matabeleland features large, open-air cages where prisoners sleep on the ground. Sanitary facilities are minimal and, according to reliable reports, some detainees have been denied medical care. The Government has not publicly acknowledged the existence of this center despite the fact that hundreds of detainees have passed through it.

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d. Arbitrary Arrest, Detention, or Exile

Emergency powers have been in effect since 1960. The Emergency Powers Act empowers the Home Affairs Minister and any police or Central Intelligence Organization official to detain any person in the interest of public order and safety. "Undesirable inhabitants" may be deported under orders of the Home Affairs Minister. A tribunal of independent jurists must review all detention orders within 30 days. Given the large number of detainees the Government has dealt with over the past year, coupled with a dearth of qualified tribunal members, there have been many delays. If the tribunal finds no merit to the case, the detainee is to be released, but the Government can override the tribunal's decision. If recommended by the tribunal, detention continues until revoked by the Minister or until the time of indictment. The tribunal must review all standing detention orders every 180 days. The Government generally has tried to adhere to these legal formalities, but reliable sources indicate that in some instances the Government has held some civilians without issuing detention orders.

A detainee is entitled to hear the reasons for his detention not later than 7 days after arrest. The detainee is also entitled to see an attorney and is entitled to compensation for unlawful arrest and/or detention. Zimbabwean law provides that an arrested person may demand in court that evidence leading to his arrest be presented. In the case of detention orders, however, the writ of detention issued by the Home Affairs Minister has been deemed sufficient to meet the requirements for evidence.

Approximately 3,000 people are believed to have been detained during the past year, mostly in Matabeleland and Midlands provinces. At any given time, the number of detainees during 1985 probably averaged between 800 and 1,200. Most of the detainees were never formally charged and were released within a few weeks without their detentions being publicized. On the other hand, other cases, such as the case involving five ZAPU members of Parliament, six black ZAPU Bulawayo city councilors, and the former mayor of Bulawayo, received considerable international attention. As of December 1985, four of the town councilors remained in detention while the former mayor was released.

Approximately 20 people were redetained in 1985 after being acquitted in court. Most of them were Ndebele-speakers who had been tried in court in Matabeleland. Judicial sources report that access to political prisoners is often difficult. Police and security officials frequently disclaim any knowledge of persons believed to be in their custody. In addition, detainees are frequently transferred from one facility to another, making it difficult to locate them and costly for lawyers to follow their cases.

Zimbabwe law forbids the use of forced labor, and forced labor is not practiced in Zimbabwe.

e. Denial of Fair Public Trial

The constitutional guarantees of a "fair hearing within a reasonable time by an independent and impartial court" remain in effect. Due to a shortage of legal experts, however, many cases are delayed. The Government is sensitive to this

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problem but so far has been unable to correct it. Most major trials are held in open court, but some trials involving sensitive security matters are held in private.

The judiciary continues to function independently of the Government and frequently rules against the State on sensitive issues. In addition, the Government has made an effort to appoint well-qualified and experienced judges, even if this has meant recruiting expatriate judges or those with links to minority parties. Several judges have emphasized their freedom from government interference in those cases over which they have presided.

Approximately 500 people were tried for "political" crimes in 1985. The bulk of them were convicted. Most had been charged under the Emergency Powers Law and Order Maintenance Act for their alleged involvement with dissident groups. No more than 10 percent of them were represented by counsel.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution protects citizens from arbitrary search or entry. Under the emergency powers regulations, however, any police officer may stop and search any person or enter any area without a warrant where he has "reasonable grounds" for believing evidence of a crime may exist. He may also seize the evidence. There have been credible allegations of arbitrary intrusion into homes and interference with privacy by government authorities. Some of the allegations relate to the conduct of the security forces in operations against dissident groups in Matabeleland, but others appear to have no explanation other than simple harassment of members of minority parties.

Reliable, well-placed sources have reported an increased number of cases where either security force personnel or youth and women from the ruling party have used coercive tactics to persuade non-ZANU members to join. Such cases were widely reported both before and after Zimbabwe's first postindependence general elections in July 1985.

Some Zimbabweans, including members of the ruling party, have alleged that their phones are tapped. In addition, many Zimbabwean citizens have repeatedly claimed that authorities have opened or confiscated mail.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Zimbabwe's Constitution guarantees freedom of expression, and the right to free speech is widely exercised. However, control of the mass media rests with the Government. Major daily newspapers are controlled by the Mass Media Trust in which the Government has a controlling interest. The Zimbabwe Broadcasting Corporation, which operates the nation's three radio stations and the sole television station, is wholly government-owned. While there is no evidence of systematic government meddling in the editorial policies of these media, senior media officials tend either to be strong exponents of the ruling party/government line or to practice a high degree of self-censorship. The editor of one of the nation's leading--and one of the more balanced--newspapers was

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dismissed from his post in 1985, apparently for failure to meet these criteria. While articles and broadcasts that question government actions do appear from time to time, they usually focus on incidents of official corruption or mismanagement. Criticism of overall policy orientations is generally avoided. Only limited press coverage is given to opposition political views or to security issues.

In Parliament, opposition viewpoints continue to be expressed freely but are only infrequently reported in full by the media. Similarly, criticism of the Government and government policies was an important feature of the legislative election campaign in 1985, but media coverage of this criticism was scanty. Press treatment of the 1985 elections demonstrates the extent to which access to Zimbabwe's mass media is largely a matter of government largesse.

Zimbabwe continues to apply the "Kadoma Declaration," which bans entry into the country of journalists based in South Africa. There is no evidence that this ban has significantly reduced the number of foreign journalists traveling to Zimbabwe.

Academic freedom is generally respected in Zimbabwe. University administrators and faculty members retain a large degree of autonomy in selection of course content and pedagogic methods. The faculty appointment board, however, is placing increasing importance on candidates' identification with the ruling party's goals and philosophy.

b. Freedom of Peaceful Assembly and Association

The right of assembly and association is guaranteed by the 1980 Constitution, applies to both political and nonpolitical organizations, and protects a broad spectrum of economic, professional, social, and recreational activities. In practice, however, there are obstacles to the full exercise of this right.

Police permits are required for public meetings and political rallies. All opposition parties complained repeatedly in 1985 of government abuse of this rule. Numerous opposition political meetings were banned during the year, with public safety most often cited as the reason. There were far fewer instances during the same period where the Government prohibited meetings or demonstrations of the ruling ZANU party. Moreover, in the first half of 1985, several legal opposition rallies were attacked and broken up by gangs of thugs. Evidence strongly suggests that most of these attacks were carried out by the ZANU youth wing. While the Government has disclaimed responsibility for this political violence, police on several occasions either failed to intervene or intervened only after the violence had run its course. After the July election, for example, suspected government opponents and ZAPU supporters were attacked by mobs during several days of rioting in Harare's high-density suburbs. Numerous injuries and several deaths resulted. These attacks have fueled a cycle of political violence which acts as a powerful de facto disincentive to the full exercise of the right of assembly and association.

In the past year, minority party members have found that their political associations have carried an increasing number of liabilities. Reliable sources have reported that minority

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party members and/or their family members have been subjected to repeated harassment by persons affiliated with the ruling party. In addition, hundreds of homes were damaged or destroyed by groups of ZANU youths. There have also been instances where minority party members have been arbitrarily denied access to a variety of public services, such as health care or public transportation, or have found employment opportunities limited.

Persons with nonpolitical associations experienced few comparable problems in 1985. While there have been reports in the past year from various private and professional organizations complaining of governmental interference in their affairs, the evidence does not suggest an organized or systematic government drive to control associative activity.

In February, the Zimbabwean Parliament approved the Government's new strong and comprehensive labor relations legislation, which was promulgated in late 1985. Among other things, the new law guarantees the right of association and the right to organize and bargain collectively. Approximately 1 million people work in the modern economy out of a population of around 8 million. Of the 1 million, about 17 percent are unionized. With Zimbabwe achieving independence only in 1980, the unions are young and still relatively weak. They are striving hard to build up their resources and the new reformist union leadership should be much more effective in this regard. The new labor act permits the formation of worker committees which could serve the purpose of shop floor stewards to industry and in mines. Realizing that these committees could usurp their power, the unions are monitoring their development very closely and intend to incorporate them into the union structure. The umbrella organization for the Zimbabwean unions is the Zimbabwe Confederation of Trade Unions (ZCTU).

Zimbabwe is a member of the International Labor Organization (ILO), and the ZCTU is a member of the Organization of Africa Trade Union Unity (ATUU). Although the charter of ATUU prohibits African unions from affiliating officially with non-African unions, the ZCTU enjoys excellent relations with Western unions. By far the largest part of foreign financial and technical assistance has come from the West. The International Confederation of Free Trade Unions, the AFL-CIO's African Labor Center, and the Commonwealth Trade Union Congress have been the largest contributors, with additional support coming from France, The Federal Republic of Germany, and the Netherlands. The ZCTU also has contacts with trade unions in Yugoslavia and the Soviet bloc, particularly the German Democratic Republic, but Soviet bloc assistance has so far been limited to a small number of scholarships and small quantities of office equipment and building materials.

c. Freedom of Religion

Freedom of religion is fully respected in Zimbabwe. There is no state religion, and denominations are permitted to worship openly, pursue social and charitable activities, and maintain ties to affiliates and coreligionists abroad. Several minor infringements of this right occurred in 1985. On several occasions, church services in rural areas were disrupted by gangs associated with the ZANU youth movement, and worshipers were forced to attend a political rally. There were also several reports of threats directed against individual

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ministers or churches for alleged support of opposition or dissident elements. Although potentially serious, these incidents do not appear to constitute a pattern of officially organized harassment.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no formal restrictions against travel or resettlement within Zimbabwe. In an effort to manage in-country migration, however, the Government throughout 1985 forcibly removed large numbers of illegal squatters from several urban areas. There have been forced removals of squatters from certain rural areas as well.

Travel abroad is not subject to official restrictions, although individuals have on several occasions in 1985 been dissuaded from foreign travel when it was believed they might criticize the Government before foreign audiences. This practice does not appear to be widespread. A more serious practical obstacle to foreign travel is presented by currency controls that limit to about \$220 the amount nationals can carry out of the country.

Government policy is to welcome the repatriation of former residents so long as they bring back the amount of hard currency they carried with them when they departed. Increasing numbers of white Zimbabweans (former Rhodesians) returned from abroad in 1985. Repatriates are expected to demonstrate that they possess assets or skills needed by the Zimbabwean economy, and most white returnees appear to meet these criteria. Regulations concerning repatriation are subject to change at short notice, however, and as the Government begins to implement the law that outlaws dual citizenship in Zimbabwe, it could undercut the upturn in white repatriation.

Precise figures are difficult to obtain on the number of black Zimbabweans in self-imposed exile in Zambia and Botswana. As a result of political violence in Matabeleland, a significant number of Ndebele-speakers are living in a United Nations High Commissioner for Refugees-sponsored camp in Botswana and in several Botswanan towns close to the border with Zimbabwe. The Government views the camp as a staging base for dissidents and "bandits" operating in Matabeleland and has urged the Botswana Government to be more active in policing the sector and to turn over suspected dissidents to Zimbabwean authorities. An improvement in the political climate in Matabeleland could result in the return to Zimbabwe of many of these exiles.

Migration of persons from Mozambique into Zimbabwe continued in 1985. An estimated 6,000 Mozambicans are now located in camps along the border. The flow is due partly to political instability in areas of Mozambique and partly to expectations of better economic opportunities in Zimbabwe. With few exceptions, the Zimbabwean Government does not consider these temporary residents to be "refugees" as defined by the U.N. Protocol Relating to the Status of Refugees. There is no indication at this time that the Government is considering the forcible repatriation of these temporary immigrants.

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

Zimbabwe is a multiparty, parliamentary-style democracy fashioned after the Westminster model. Members of Parliament represent electoral districts and are chosen by direct, universal suffrage. The Prime Minister is elected by a parliamentary majority and is responsible to Parliament. Prime Minister Mugabe has pledged to transform Zimbabwe into a one-party state--an action that, if carried out, would fundamentally alter the political landscape and possibly deprive Zimbabweans of many of the political rights they now enjoy.

Zimbabwe's first general election since independence was held in July 1985. The Zimbabwe African National Union (ZANU), led by Prime Minister Mugabe, enlarged its existing parliamentary majority by winning 64 of the 80 seats reserved under the 1980 Lancaster House agreement for representatives of the black electorate. ZANU support came from the Shona-speaking majority, which is concentrated in northern and central Zimbabwe. The Zimbabwe African Peoples' Union (ZAPU), led by Joshua Nkomo, captured 15 parliamentary seats in largely Ndebele-speaking areas in the south and west. A splinter party, ZANU-S, won one seat in the predominantly Ndau tribal region in the southeast.

On the white electoral roll, former Prime Minister Ian Smith's Conservative Alliance for Zimbabwe (CAZ) won 15 of the 20 available seats. The Independent Zimbabwe Group (IZG), representing whites seeking accommodation and cooperation with the current Government, won the other five seats. Voter turnout was heavy nationwide.

In postelection statements, Prime Minister Mugabe interpreted his party's victory as a mandate to proceed toward establishment of a one-party state. It is not clear, however, whether all those who voted for ZANU share Mugabe's interpretation. Mugabe also castigated whites who voted for Ian Smith's CAZ, vowing to eliminate the separate electoral roll for whites as soon as possible. Under the Constitution, however, the white roll cannot be abolished before 1987. Thereafter, abolishment of the special white roll would require a 7/10 majority vote in parliament. ZANU, with 64 parliamentary seats, is six votes short of the necessary majority.

Institution of a one-party state cannot occur legally before 1990 unless Parliament votes unanimously to amend the Constitution. Despite obvious impatience on both these issues, Prime Minister Mugabe has not set a specific timetable for attaining ZANU goals. He has indicated that he will follow constitutional guidelines on revising Zimbabwe's political system.

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

The Zimbabwe Government is very sensitive to criticism of its human rights practices. It has failed to publish a report from a government-appointed commission of inquiry that was created in 1983 to investigate alleged human rights violations in Matabeleland earlier that year, despite assurances by Prime

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Minister Mugabe that such a report would be made public. In addition, the Government has refused to create a second commission to investigate allegations of continuing human rights abuses in that part of the country. The Government has also failed to respond to repeated queries on alleged human rights violations from nongovernmental organizations and private citizens.

In November 1985, Amnesty International issued a report that charged that arrests and torture of suspected government opponents have increased sharply since the general elections in July. Amnesty International said it informed Prime Minister Mugabe of its findings and urged him to take immediate steps to stop torture. Zimbabwe has rejected the charges, saying that the Amnesty International report contained sweeping and false allegations. In response, the organization said it was ready to send representatives to Zimbabwe to present evidence that could help the Government investigate the allegations.

Within Zimbabwe, the most notable organization monitoring the human rights environment is the Catholic Commission for Justice and Peace, which has been in existence for nearly 20 years. The Commission has been careful over the years to speak out about all violations, whether they concern whites or blacks, Government supporters or dissidents. It draws its information from both Catholic clergy and from members of the Catholic church throughout the country but also receives information from persons outside the church. The Commission is careful to work within the law.

The continuation of security problems and of human rights abuses in Matebeleland has led other church and nongovernmental organizations to focus on human rights concerns and to question the Government regarding them. The Government has failed repeatedly to address requests by private citizens and other locally based nongovernmental organizations to investigate a variety of alleged human rights problems. Freedom House rates Zimbabwe "partly free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The Government of Zimbabwe has tried to correct the substantial imbalance between black and white standards of living that existed before independence by providing greater opportunities and services to the black population. Whites comprise around 100,000 of the total population of 8,700,000, which is growing at the rate of 3.5 percent a year. Economic and financial constraints have slowed government implementation of a number of programs, notably land resettlement, but the expansion of health care and universal primary education for all Zimbabweans and the reduction in income disparities have proceeded steadily. Higher prices paid to farmers and greater extension of services have been particularly effective in boosting output and incomes of black farmers who now participate in the commercial farm sector. Gross domestic income per capita was roughly \$740 in 1983. This comparatively high level for Africa reflects Zimbabwe's wide range of mineral resources, a well-developed manufacturing sector, and a strong agricultural base.

Available health care varies widely between urban and rural areas. Despite considerable emigration of skilled medical personnel since independence, hospitals and clinics in the urban areas still provide relatively good service. The rural

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population has less access to basic medical care, primarily because Zimbabwe still lacks sufficient personnel and infrastructure to reach all areas of a country as large as Montana. The Government's program to expand rural clinics, while it has grown rapidly, is several years short of meeting health needs in all remote areas. The average life expectancy at birth (1985) is 56.68 years, up from 54.41 at independence. The infant mortality rate in 1985 was 77 per 1,000 live births.

Zimbabwe has traditionally been one of the few countries in sub-saharan Africa able to feed itself. After 3 years of major drought Zimbabwe is again in a position to export maize. The nutritional balance is skewed in favor of urban dwellers, but barring drought, even the rural population has access to an adequate diet. It was estimated in 1977 that caloric intake as a percentage of requirements was 84 percent for the nation as a whole; no more recent figures are available. There were no substantiated reports of deaths as a result of drought relief shortages.

The adult literacy rate was 69 percent in 1980 (male 77 percent, female 63 percent) and has probably increased since then due to government efforts to expand education. The primary school enrollment ratio in 1983 was 149 percent--154 male and 146 female. (These figures exceed 100 percent due to overage children attending primary school.)

The 1985 labor relations legislation guarantees a 24-hour rest period sometime during the workweek. The workweek can range up to 60 hours. The new law also calls for strict enforcement of acceptable standards of health and safety. By Zimbabwe law, the working age for the formalized economy is 18, but it is possible to begin an apprenticeship at age 16.

The law also codifies the Government's right to set minimum wage standards. However, the Government's constant adjustments of minimum wage levels have become a bone of contention with both the unions and the business/farming community. Since a large share of unionized workers are paid the minimum wage, the unions complained that the Government usurped their main bargaining power by its continual adjustments of the minimum wage. Business and farming interests, on the other hand, feared that the Government's recent decision--now partly overturned--to double the minimum wage for agro-industrial and plantation workers (e.g., in the sugar, citrus, tea, coffee, timber, and poultry industries) threatened 40,000 jobs, and could have resulted in lost export revenues and some liquidations of businesses.

Despite efforts to clarify and modernize the situation, the legal status of women in Zimbabwean society remains ambiguous. In 1980, the Government passed the Legal Age of Majority Act which gave all women over the age of 18 equal legal rights, including the right to arrange their own marriages and to own property apart from their husbands. On the other hand, the system of "Lobola," or bride price, is still the social norm, and the reality of equal rights remains elusive. A recent ruling by the Supreme Court found that fathers may no longer sue for "seduction damages" from a male suitor who has impregnated a daughter over the age of 18; the woman herself may sue, however. The widespread public reaction against this ruling is indicative of the power of traditional norms in a society whose Government seeks greater equality of the sexes.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: ZIMBABWE

	1983	1984	1985	
I.ECON. ASSIST.-TOTAL...	64.0	47.8	50.5	
LOANS.....	0.0	0.0	8.0	
GRANTS.....	64.0	47.8	42.5	
A.AID.....	60.0	41.0	40.9	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	60.0	41.0	40.9	
(SEC.SUPP.ASSIST.)...	60.0	40.0	40.9	
B.FOOD FOR PEACE.....	4.0	6.8	9.6	
LOANS.....	0.0	0.0	8.0	
GRANTS.....	4.0	6.8	1.6	
TITLE I-TOTAL.....	0.0	0.0	8.0	
REPAY. IN 3-LOANS.....	0.0	0.0	8.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	4.0	6.8	1.6	
E.RELIEF.EC.DEV & WFP.	4.0	6.8	0.0	
VOL.RELIEF.AGENCY.....	0.0	0.0	1.6	
C.OTHER ECON. ASSIST...	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
PEACE CORPS.....	0.0	0.0	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II.MIL. ASSIST.-TOTAL...	0.1	0.2	0.2	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.1	0.2	0.2	
A.MAP GRANTS.....	0.0	0.0	0.0	
B.CREDIT FINANCING....	0.0	0.0	0.0	
C.INTL MIL.ED.TRNG....	0.1	0.2	0.2	
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E.OTHER GRANTS.....	0.0	0.0	0.0	
III.TOTAL ECON. & MIL...	64.1	48.0	50.7	
LOANS.....	0.0	0.0	8.0	
GRANTS.....	64.1	48.0	42.7	
OTHER US LOANS.....	0.0	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	0.0	0.0	
ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	
			1946-85	
TOTAL.....	267.6	117.5	73.4	716.1
IBRD.....	202.0	96.1	10.0	487.1
IFC.....	0.0	2.3	0.0	40.3
IDA.....	38.9	0.0	0.0	53.9
IOB.....	0.0	0.0	0.0	0.0
AQB.....	0.0	0.0	0.0	0.0
AFOB.....	0.0	0.0	63.4	75.6
UNDP.....	2.4	4.1	0.0	13.8
OTHER-UN.....	4.3	0.0	0.0	10.4
EEC.....	20.0	15.0	0.0	35.0

CENTRAL AND SOUTH AMERICA

ANTIGUA AND BARBUDA

A member of the British Commonwealth, Antigua and Barbuda celebrated its fourth anniversary of independence from the United Kingdom on November 1, 1985. Respect for human rights in Antigua and Barbuda is grounded in its domestic laws and reinforced by the democratic political values and traditions that evolved before independence and which have continued developing since. Its population supports these values and expresses dissent openly, aided by a free press. The Constitution provides for a parliamentary system of government based on majority rule, and requires general elections at least every 5 years.

Security forces consist of a police force and the Antigua Defense Force, an 80-man infantry unit. The police are organized, trained, and managed according to British law enforcement practices. These forces have a good reputation for respecting human rights in the performance of their law enforcement duties.

Poverty remains widespread despite active development efforts centered on increasing investment. Although the State holds equity in some enterprises, the private sector is strong and individuals are free to pursue private interests and hold private property. Some political opponents of Prime Minister Vere C. Bird, Sr., however, complain that their businesses have suffered from government retaliation for their political activities.

The nation's human rights record continued to be good in 1985.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

No instances of political killing were reported in 1985.

b. Disappearance

No disappearances, extralegal detentions or politically motivated abductions were reported in 1985.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture and cruel or inhuman treatment of prisoners or detainees. These prohibitions are respected in practice. Prison conditions are adequate, and the authorities permit regular visits by a prisoner's family and attorney as well as by members of the clergy.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention are prohibited by the Constitution and do not occur in practice. Criminal defendants are guaranteed the right of habeas corpus, and detainees must be brought before a court within 48 hours of arrest or detention. No cases of involuntary exile have been reported.

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The Constitution prohibits forced or compulsory labor, and such practices are not known to take place in Antigua and Barbuda.

e. Denial of Fair Public Trial

Criminal defendants are guaranteed a fair, open, and public trial. The independent judiciary is widely respected for its fairness and professionalism. The highly regarded regional West Indies Court of Appeal serves Antigua and Barbuda. The Government guarantees legal assistance at its expense to persons without means to retain a private attorney.

There are no political prisoners in Antigua and Barbuda.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Arbitrary police or government actions against a person's home, family, or privacy have not been reported. The police must obtain a warrant before searching private premises. Leftist political groups have charged that the Government tampers with their mail, but these allegations have neither been supported with evidence nor brought to court.

Section 2 Respect for Civil Rights Including:

a. Freedom of Speech and Press

The Constitution guarantees freedom of speech, the press, and other forms of communication. The electronic media--the only source of daily local news--are dominated by the Government; ABS radio and ABS-TV are state-owned, and the only privately owned radio station is controlled by the Prime Minister's family. Opposition politicians have complained that they have almost no access to air time to present their positions. A different situation exists in the nation's print media. Weekly newspapers representing the opposition publish a variety of opinions and are free to criticize the Government. Religious organizations also publish their own newspapers.

b. Freedom of Peaceful Assembly and Association

The Constitution assures the right of peaceful assembly. Peaceful public meetings and organized demonstrations are held without police interference.

Less than a majority of Antigua and Barbuda's workers belong to unions, but labor organizations are free to organize and bargain collectively. The right to strike can be limited if the Court of Industrial Relations is involved in a given dispute. Unions are free to affiliate with international labor organizations.

c. Freedom of Religion

There is free exercise of religious beliefs. The population is overwhelmingly Protestant, but adherents of other religious denominations proselytize openly without stigma or government interference.

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d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The movement of citizens within the country is not restricted by law or practice. Travel outside the country is generally unrestricted, although the Government has confiscated the passports of a few political opponents to ensure their attendance at court proceedings. Opponents claim these court cases to be politically motivated, but the judiciary enjoys a reputation for independence and respect for the law.

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

Antigua and Barbuda has a multiparty political system which accommodates widely divergent views. All citizens 18 years of age and older may register and vote. Individual parties conduct voter registration drives free from government interference. The Government is obligated by law to hold voter registration during a fixed period each year.

Prime Minister Bird's Antigua Labor Party won an overwhelming victory in the April 1984 elections, winning every constituency in Antigua. In Barbuda, an independent won the sole seat and became the Government's only parliamentary opposition. Despite the lopsided ALP victory, the elections were considered to be fair and open.

One of Prime Minister Bird's sons is Minister of External Affairs, Economic Development, Tourism, and Energy; another is Minister of Public Utilities and Communications. The opposition energetically attacks the Bird Government, particularly on the issue of alleged government corruption. On the smaller island of Barbuda, which has less than 2 percent of the country's total population, separatist sentiments remain a political problem for the Government.

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

Internationally recognized human rights organizations have not expressed particular interest in Antigua and Barbuda; there were no requests for investigations or inquiries into alleged violations in 1985. The Government is sensitive to human rights issues and has condemned abuses elsewhere.

Amnesty International did not mention Antigua and Barbuda in its 1985 report. Freedom House describes the country as "free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The country's population of approximately 81,000 is growing at the rate of 2.6 percent annually. Tourism dominates the economy of Antigua and Barbuda; half of the country's gross domestic product (GDP) is derived directly or indirectly from tourism. Per capita GDP was estimated at \$1,537 in 1982. Following 2 years of low growth, the economy picked up dramatically owing to increases in tourist arrivals.

Manufacturing accounts for another 10 percent of GDP, but higher tariffs and new nontariff barriers erected by other Caribbean Community members have limited growth in this

ANTIGUA AND BARBUDA

sector. Factory closures and bankruptcies have resulted in increased unemployment and government budgetary shortfalls, as tax revenues from manufacturing dry up. Efforts to attract foreign investors continue, but the primary problem remains the identification of potential foreign markets for domestically manufactured goods.

The decline of agriculture after 1967, when Antigua and Barbuda became semiautonomous, caused the countryside to lose population to the city. With agriculture now accounting for about 7 percent of GDP, the Government is promoting a "back to the land" movement, providing financial incentives to young men and women willing to work in the agricultural sector.

The Government has continued its capital development program for education and health. Adult literacy approaches 90 percent, and enrollment of eligible children in primary schools is 85 percent. The Government has earmarked funds to upgrade secondary and higher education. Infant mortality has dropped to 22.4 per 1,000 live births.

The legal minimum working age is 13, a law which is respected. The workweek is 40 hours in 5 days, and workers are guaranteed a minimum of 3 weeks annual leave. There are no occupational health and safety laws or regulations. The minimum wage established by law is arguably less than that on which a person can be reasonably expected to live.

The role of women in society is not restricted by law, but tradition limits women to home and family, particularly in rural areas. As elsewhere in the region, these traditional roles are changing. The Government has begun programs to provide enhanced educational opportunities for both sexes as well as family planning, which many expect to lead to greater participation by women in Antigua and Barbuda's public, social, and political life.

Two female senators sit in Parliament, and are the highest ranking female political figures in the country. The Permanent Secretary in the Ministry of Health and the Chief Establishment Officer are both women. A woman also heads the Department of Tourism. There is a "Woman's Desk" in the Government to monitor compliance with the laws and statutes regarding women and to safeguard their legal rights. Ninety percent of the Assistant Permanent Secretaries in the Government are women, as are 6 out of 10 personnel in the Civil Service. Women receive equal pay for equal work by law.

ARGENTINA

Argentina is a functioning constitutional democracy with an independent bicameral legislature and an autonomous judiciary. Elections were held in 1985 for one-half of the seats in the lower house and for some seats in most provincial legislatures and many city councils. Political debate was free and open, all parties had access to the media, and the level of public participation in discussing the issues of the day was high. Violent incidents by unknown assailants, generally believed to be nongovernmental, occurred, resulting in one death--the first caused by terrorism since the return to democracy in December 1983. Most of the incidents appeared to be related to political or labor activities.

The military and police operate under civilian political control, with charges of abuses reviewed by the courts. Criticism of the Government was tolerated and opposition viewpoints were freely expressed. An autonomous judiciary and a functioning democratic political system work to insure respect for human rights. Trade union freedom was greater than at any time during the past decade and strikes occurred with some frequency, including two national strikes. Respect for individual rights was strong. Human rights groups continued to demand a complete accounting for past disappearances and punishment for those responsible. For the first time in Argentina's history, senior military officers, who once held de facto governing power, were tried and convicted for human rights violations, including homicide and torture. Five of the 9 defendants were convicted and given sentences that ranged from 54 months to life imprisonment; the other 4 were acquitted. Trials of terrorists were also held during 1985 with 3 individuals convicted and sentenced to 25, 22, and 10 years in prison.

Argentina, which continued to enjoy a relatively good standard of living in 1985, was beset by a number of severe economic problems including a high rate of inflation and a large foreign debt. In June, the Government took steps to address those problems, including an innovative "shock program" that quickly reduced inflation from over 30 percent a month to between 2 and 4 percent a month.

In 1985, Argentina continued to consolidate the dramatic improvements in human rights stemming from the successful 1983 transition from a military government to a freely elected civilian government. An independent press offered views covering the political spectrum.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There is no outstanding charge by human rights groups of any death occurring during 1985 that was politically motivated or instigated by the Government. One person was killed by a terrorist bombing in October.

b. Disappearance

There were no known abductions, secret arrests, or disappearances linked to or condoned by the Government during

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1985. A significant number of kidnappings occurred, most of them believed to be by common criminals to extort money. Not all were reported to the authorities and many ended with the release of the victim without identification of the perpetrators, although some criminals were apprehended and others were killed in raids.

Accounting for the large number of persons who disappeared between 1973 and 1980 and punishing those responsible continued to be major issues in 1985. The courts also continued to investigate cases of unmarked graves and some exhumed corpses were identified as persons who had disappeared. Human rights groups documented several cases of children of parents who had disappeared being raised by adoptive parents, some of whom were former security personnel. In a few cases, children were reunited with their parents or other relatives.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits the use of torture. President Alfonsín signed into law in January 1985 a criminal code reform that punishes torture with penalties similar to those applied for homicide. Although some human rights groups maintain that police beatings of criminals continued after January, judges have applied the new provisions of the code. In April, a judge ordered the arrest of four members of the Buenos Aires provincial police force for allegedly torturing (by beating them severely) four prisoners in January. The policemen were later acquitted. According to officials, the only other formal accusation was against members of the Santa Fe police force and penitentiary service for allegedly beating 17 prisoners in the Coronada model correctional institute in August after the prisoners refused to return to their cells. The Interior Ministry's undersecretariat for human rights investigated and passed the accusation to the Santa Fe province penal judge for investigation. The undersecretariat also issued a press release stating that it had confirmed that 17 prisoners had serious bruises and that 1 had tried to commit suicide after the alleged beatings. The investigation is still in progress as are investigations into the alleged torture of prisoners during the years of military rule (1976-1983).

Despite improved prison conditions since the return of democracy in 1983, there were protests, hunger strikes, and riots in a few prisons during 1985 allegedly resulting from violent treatment of prisoners during cell-block searches, disrespectful treatment of visiting family members, and prisoners' demands for better food and living conditions and a reduction in their sentences. At least one prisoner committed suicide and another died during the riots. In July several human rights activists condemned prison conditions. Government officials said they were working to improve those conditions. Argentine prisons suffer from overcrowding, but are generally sanitary.

Some provinces began giving their police mandatory human rights courses, which included study of the Universal Declaration of Human Rights, and stressed that torture would not be tolerated.

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d. Arbitrary Arrest, Detention, or Exile

Argentina has a well-developed legal code containing provisions such as habeas corpus and controls on police arrest and investigatory powers. In 1984, Congress passed a law that strengthened habeas corpus rights. The Argentine penal code, however, gives the police and courts authority to detain persons *incommunicado* for up to eight days during investigations. Even in the case of minor offenses, holding of suspects *incommunicado* for a few days is common. The Constitution also confers power on the Executive Branch to detain suspects during a State of Siege, such as was declared on October 25 by President Alfonsín for a planned 60 days after a significant increase in terrorist bombings occurred. The State of Siege was lifted on December 9.

Forced or compulsory labor is forbidden.

e. Denial of Fair Public Trial

The Argentine judiciary functioned normally in 1985. It was generally recognized as fair, reasonably independent, and effective. The penal code provides for public trials and all rulings by lower courts, civilian and military, may be appealed to the Supreme Court. The major problems were the overcrowding of court dockets (e.g., the Supreme Court had a backlog of over 6,000 cases in late 1985), time-consuming written procedures, lack of personnel and administrative infrastructure, and low salaries (as in the rest of the public sector). As in most civil law countries, there is no trial by jury; verdicts are rendered by professional judges. The police have legal authority to judge misdemeanor cases, which are often settled by a senior police official instead of by a judge. The position of public defender exists but in 1985 public defenders had caseloads far in excess of what they could handle competently, making it impossible to provide an adequate defense in all the cases assigned to them. The right to bail is provided by law and is observed in practice.

The first civil trial in Argentina of military officers who once held de facto governing power began in April against nine former military commanders and junta members charged with criminal responsibility for human rights violations committed during the so-called "dirty war against subversion" of the mid-1970s, including homicide, torture, and illegal imprisonment. Defended by 22 lawyers, they were tried by a six-judge federal appellate court after the Supreme Court of the Armed Forces failed to complete its trial by the deadline set for it in 1984. The trial demonstrated a functioning judiciary able to handle the most controversial trial in the history of Argentina. The trial ended in December; 5 of the 9 defendants were found guilty and received sentences that ranged from 54 months to life imprisonment. Both the acquittals and the convictions will probably be appealed to the Supreme Court. In 1985 there were also trials of alleged terrorists, several of whom were convicted. These included the former governor of Córdoba province, Ricardo Obregon Cano, who was sentenced to 10 years in prison for illegal association with the Montoneros. Two members of the People's Revolutionary Army were sentenced to 25 and 22 years in prison for the 1974 murder of a judge. The trial of Mario Firmenich, a leader of the Montoneros, had not concluded by the end of the year.

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At the beginning of 1985, some Argentine human rights groups claimed there were still 15 political prisoners in jail. The Government argued they were common criminals convicted of crimes by either civil or military courts and that the Government could not summarily overturn those verdicts. Instead, the Government suggested that the prisoners request a judicial review of their cases. Some prisoners did and one was released during 1985. By the end of the year, 14 alleged political prisoners, who had been convicted of violent crimes, remained in jail.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence

There were few reported cases of arbitrary intrusion by the State into the private life of individuals during 1985. Some monitoring of telephones was reported, however, and the owners of the newspaper Nuevo Diario publicly stated they had proof that the state information secretariat was tapping telephone conversations of the newspaper. Congressmen from both the governing party and the opposition made similar claims. Hidden microphones were found in the offices of opposition national senators; the Government denied it had anything to do with the microphones. In July, the executive branch submitted a bill to Congress that would provide penalties for arbitrary interference with personal privacy, home, or correspondence. When Congress adjourned on September 30, the bill had not yet been acted on.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

There were very few restrictions on freedom of speech and press during 1985. Criticism of the Government is tolerated and opposition viewpoints are freely expressed. An independent press offers views that cover the entire political spectrum. Argentine press freedom is greater than it has been in many years.

Many radio and television stations owned by the Government were criticized publicly during the second half of 1985 for being biased in favor of the Government, for hiring government supporters, and for operating at large losses requiring government subsidies. The newspaper editors' association denounced an alleged campaign of intimidation to reduce criticism of the Government; officials denied the charge. Also, the Association of Argentine newspaper owners publicly criticized the inclusion of 2 journalists among the 12 men arrested in October during the State of Siege and claimed that the arrests were motivated by the journalists' critical positions toward the Government. There were also several violent attacks, including bombings, against government-owned radio and television stations by unidentified terrorists. There were no injuries, although damage was extensive.

Academic freedom was respected. There were no reports of surveillance of political meetings on campuses or censorship of books. Enrollment in universities was higher in 1985 than in 1984, partly because of a new open-admission system.

b. Freedom of Peaceful Assembly and Association

All groups and political parties, except subversive organizations previously outlawed for espousing violence, have

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been free to organize and assemble since August 1982. Major rallies were held by political parties, including the Communist Party, during 1985.

The labor movement is a major independent political and economic force. About one-third of the work force is unionized. The previous military regimes suspended various laws governing labor relations and systematically blocked many trade union rights. Recasting the codes to restore normal ground rules for industrial relations and trade union activities was still proceeding in 1985. For example, legislation covering collective bargaining, refinements to laws dealing with trade union structure and function, and the disposition of social welfare organizations formerly associated with unions had not been passed by Congress when it adjourned on September 30.

Nevertheless, organized labor resumed most of its normal activities. In 1984 and 1985, the vast majority of unions held their first free elections since 1976. Although there was still no formal collective bargaining, numerous unions and the national labor organization, the General Confederation of Workers (CGT), were actively engaged in consultations with employers and the Government on issues affecting labor and the economy of the nation as a whole. Unions have the right to strike. Many exercised this right in support of their demands and the CGT led two one-day general strikes in 1985. On November 20, the Government issued a decree permitting collective bargaining on general working conditions, but excluding wages. The CGT publicly criticized the decree, claiming that it violated the Constitution and International Labor Organization accords.

Unions are free to maintain ties with international labor bodies and are active in the international trade union movement.

c. Freedom of Religion

Argentina's Constitution states that everyone has the right to practice his religion, but it also states that the Federal Government supports Roman Catholicism. Government financial support is given to the Roman Catholic Church. The Constitution requires the President and Vice President to be Catholics. Other religions must register with the Government to obtain the legal recognition required to operate freely; such recognition is provided with minimal difficulty. Missionaries from any religion are permitted to enter Argentina and to proselytize. The non-Catholic population is growing.

The Jehovah's Witnesses are recognized by the Government, but about 100 Witnesses, all Argentines, have been sentenced to serve 3-1/2 years of civilian service at military installations for their refusal to accept compulsory military service. Conditions are not onerous and furloughs are given for as long as a month at a time. Civil judges ruled that the punishment was excessive and in 15 to 20 individual cases ordered Witnesses released. The executive branch submitted draft legislation to the Congress in December 1984 that would permit alternative service for conscientious objectors opposed to military service on moral or religious grounds. Although the Congress did not pass the legislation in 1985, the executive branch began exempting baptized Witnesses from military service during the year.

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Argentina's Jewish community (250,000) practices its religion without restraint, although occasional anti-Semitic incidents continue to occur. In the preelectoral period of September and October, there was an increase in anti-semitic graffiti, in anonymous threats against Jewish leaders and schools, and in violence (one Jewish school was bombed at midnight, producing no injuries but causing extensive damage, and a grenade was found outside another Jewish school). In the current crime wave, the fact that several of those kidnapped for ransom were Jewish raised concern, but there is no substantial evidence of racial or religious motivation. The Government publicly condemned religious prejudice and assigned police to guard the schools. The Government also submitted proposed legislation to Congress in September 1984 that would provide penalties for racial, religious, and other forms of discrimination. The lower house passed the bill in June but the Senate had not by the time Congress adjourned on September 30.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Internal and foreign travel and emigration are basically unrestricted. Former exiles continued to return to Argentina during 1985, some as a result of the Government's policy of encouraging such Argentines to return, and some with financial assistance from the United Nations High Commissioner for Refugees. Non-Argentine refugees in Argentina are not forced to return to countries from which they fled or in which they fear persecution. Moreover, an amnesty covering the period between November 1984 and March 1985 allowed all illegal immigrants in the country at the time to apply for resident status. Nearly 150,000 people took advantage of that amnesty. In October, however, the Government announced that retroactive to August 8, permanent resident visas would be issued only to people with at least \$30,000 to invest in Argentina. The Government said the measure would only be temporary until Argentina recovers economically and pointed to the lack of jobs, hospitals, housing, and food as reasons for the decision. The new requirement has many exceptions, such as clerics, scientists, professors, writers, technicians, businessmen, artists, athletes, and cultural or political personalities who are working for solvent entities or are considered valuable to the national interest, as well as their parents, children, and spouses.

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

In October 1983, the President, Vice President, two Senators, all 254 Deputies of the Lower House of the Legislature, provincial governors and legislators, and mayors and municipal councils were elected directly in free and democratic elections. Another 44 national senators were elected by provincial legislatures in November 1983. Elections for one-half the national deputies in the lower house and for part of the members of most provincial legislatures and many city councils were held in November 1985.

Thirteen political parties covering the political spectrum, including the Communist Party, qualified as national parties and presented candidates in 1983 and again in 1985. Other parties qualified in individual provinces. There is a large, politically important, active opposition that operates

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openly. Women and minorities have full political rights and are not excluded from political life.

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

Argentina cooperates with both the U.N. Human Rights Commission and the Organization of American States' Inter-American Human Rights Commission. The Government signed and ratified the American Convention on Human Rights in 1984. Although the lower house approved the U.N. Convention on Civil and Political Rights and the U.N. Convention on Economic, Social, and Cultural Rights in February 1984, the Senate was still studying the two U.N. Conventions when it adjourned for 1985. The civilian Government also reversed its military predecessor's position on the draft U.N. Convention on Torture and supported the draft in 1984, the first time an Argentine government had done so. The new Argentine position helped lead to the subsequent approval of the draft in December 1984 by the UN General Assembly. In February 1985, Argentina was one of the first signatories of the new Convention. In October, the Government announced it had approved the International Convention on the Repression and Punishment of the Crime of Apartheid, which was established by the U.N. General Assembly in 1973.

Eleven human rights organizations operated freely in 1985, despite occasional threats and some harassment from unidentified sources. One human rights activist was shot at by unknown assailants and the apartment building of two others was bombed. Human rights groups continued to bring to court cases related to people who disappeared.

Amnesty International's 1985 report, covering 1984, noted that the number of remaining prisoners convicted of politically motivated offenses decreased throughout 1984, with the release of over 130 prisoners. Freedom House rated Argentina "free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Argentina has a population of 30.7 million with a growth rate of 1.5 percent, a relatively good standard of living, and a per capita gross national product of \$2070 as reported in 1983.

Inflation was very high during the first half of 1985, before implementation of an imaginative economic program which kept inflation in the second half at a 10-year low. Investment remained low throughout 1985. Unemployment rose from 3.6 percent in October 1984 to 6.3 percent in April 1985. Real wages decreased for all income groups and in all sectors in 1985.

In the largely middle-class Argentine society, 80 percent of the population lives in urban areas and at least 65 percent own their homes. Most have access to medical facilities. The average Argentine enjoys a healthy, high-protein diet that provided 124.7 percent of the daily caloric requirement in 1977. Fifty-seven percent of the population had access to safe water in 1980. In 1985, life expectancy at birth was 70.2 years and the infant mortality rate was 34.1 per 1,000 live births.

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The Government's national nutritional program was expanded in 1985 and provided a major dietary supplement for about 1.5 million of the poorest Argentines, especially in the few pockets of abject poverty. The Government announced plans to reduce the housing shortage and a 5 percent payroll tax subsidizes low-income housing.

The adult literacy rate in 1970 was 93.5 percent for males and 91.7 percent for females. The adjusted primary school enrollment ratio was 123.5 percent in 1982 (male: 123.9; female: 123.1).

Argentina offers comprehensive protection of workers' rights both in law and in practice. The maximum workday is 8 hours. The maximum workweek is 48 hours. Premiums must be paid for work beyond those limits. Children under 14 years of age may not work except in the family. Minors between 14 and 15 may work but not more than 6 hours a day or 36 hours a week. The same law applies to minors between 16 and 18, although competent authority may make an exception for this age group. Rules governing vacations, minimum wages, and occupational health and safety compare favorably with those existing in industrial nations of the West and are followed in practice.

Women in Argentina are active in government, the professions, politics, and private voluntary organizations, but they have to contend with a variety of discriminatory mechanisms that are rooted in cultural, economic, religious, and social structures. There is no official policy of discrimination against them. In its first year in office, the Alfonsín administration adopted a position against discrimination and submitted draft legislation to Congress in September 1984 that would ban sex discrimination. That bill was approved by the lower House in June 1985 but the Senate was still studying it when Congress adjourned on September 30. Congress did, however, ratify the U.N. Convention for the Elimination of Discrimination Against Women. The Health and Social Action Ministry began a campaign to publicize the rights of women in Argentine society.

There is no divorce but family legislation was liberalized in September 1985 when Congress passed legislation submitted by the executive branch which gave both parents legal authority over their children (thereby allowing women to travel abroad with their minor children without the express consent of their husbands), assumed that the decisions of one parent had the consent of the other unless expressly challenged in court, and gave equality before the law to children born in and out of wedlock.

Women participate freely in politics in Argentina. There were scores of women candidates in the 1985 elections and women won 4 of the 127 seats in the lower house that were up for election. About 20 percent of Argentina's full professors and about 50 percent of the assistant professors are women. One private university has a woman rector. Almost 50 percent of the medical and law school graduates in 1985 were women.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: ARGENTINA

	1983	1984	1985	
I.ECON. ASSIST.-TOTAL...	0.0	0.1	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.1	0.0	
A.AID	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0	
B.FOOD FOR PEACE.....	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
TITLE I-TOTAL.....	0.0	0.0	0.0	
REPAY. IN \$-LOANS.....	0.0	0.0	0.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	0.0	0.0	0.0	
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0	
VOL.RELIEF AGENCY.....	0.0	0.0	0.0	
C.OTHER ECON. ASSIST...	0.0	0.1	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.1	0.0	
PEACE CORPS.....	0.0	0.0	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.1	0.0	
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
A.MAP GRANTS.....	0.0	0.0	0.0	
B.CREDIT FINANCING.....	0.0	0.0	0.0	
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0	
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E.OTHER GRANTS.....	0.0	0.0	0.0	
III.TOTAL ECON. & MIL...	0.0	0.1	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.1	0.0	
OTHER US LOANS.....	0.0	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	0.0	0.0	
ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	1946-85
TOTAL.....	593.9	210.8	562.5	5567.1
IBRD	100.0	0.0	180.0	2047.6
IFC	0.5	42.7	63.4	289.6
IDA	0.0	0.0	0.0	0.0
IDB	490.5	167.6	319.1	3169.1
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	2.9	0.5	0.0	57.2
OTHER-UN	0.0	0.0	0.0	3.6
EEC	0.0	0.0	0.0	0.0

THE BAHAMAS

The Bahamas is a multiparty, parliamentary democracy with regular national elections. As a Commonwealth country, its political and legal traditions are similar to those of Great Britain, with emphasis on the rights of individuals. The Progressive Liberal Party (PLP) has governed since 1967 under the same leader, Sir Lynden Pindling.

The country has a strong tradition of human rights observance. The Constitution provides for the protection of fundamental rights and freedoms without discrimination by reason of race, origin, political opinions, color, creed, or sex, and its provisions are carried out in practice. However, treatment of illegal Haitian migrants has sometimes led to concern for their safety and well-being.

The police and small defense force are generally well regarded by the populace, but, like other elements of the society, have experienced some drug-related corruption. Vigorous parliamentary and public debate occurred in 1985 concerning charges of high-level corruption examined in a year-long Commission of Inquiry which completed its work in December 1984. Violent crime, drug trafficking, and narcotics addiction are serious societal problems.

The country's human rights record remained good during 1985.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There were no killings for political motives during 1985.

b. Disappearance

There were no cases of abduction, secret arrests, or clandestine detention.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and cruel or degrading treatment or punishment are prohibited by the Constitution. American citizens as well as Bahamians, however, have on occasion reported instances of police brutality. Redress for official abuse is possible through the courts but is rarely sought. In a public address at the end of 1984, the Chief Justice of the Bahamas Supreme Court stated that "the area of police questioning of suspects (leading to confessions). . . remains disturbingly unsatisfactory." Another Supreme Court Justice in February 1985, while presiding over a criminal case in which both defendants alleged being beaten by police while in custody, stated in court that he was not at all satisfied that the police distinguished themselves in the way in which their investigations were conducted. He recommended that the police consult a legal advisor before they begin investigations and stated that the police need be on guard that their investigative techniques "do not lead to injustice."

The downtown Nassau jail is crowded and unsanitary, with food barely adequate; conditions at the Fox Hill Prison are austere

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and overcrowded but somewhat better. The Freeport central lockup is unsanitary.

d. Arbitrary Arrest, Detention or Exile.

The Constitution prohibits arbitrary arrest and imprisonment and requires that persons be charged without undue delay. This is observed in practice. Habeas corpus is respected, charges must be brought within 48 hours of arrest, and those arrested are allowed access to lawyers of their own choosing. The Constitution specifically prohibits forced or compulsory labor.

e. Denial of Fair Public Trial.

An independent judiciary conducts fair and public trials. The Constitution entitles defendants to counsel, and access to defendants is freely permitted. Legal representation at public expense is only provided in capital cases. There are no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.

The Government does not interfere in the private lives of its citizens. The sanctity of the home is safeguarded both by law and tradition and is normally respected in practice. The Constitution permits searches to occur only with a court-issued warrant. Nevertheless, the former Deputy Prime Minister told the Parliament on June 3, 1985 that he had proof his telephone had been tapped without the authorization of either the Attorney General or the Minister responsible for the state-run telephone company.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Freedom of speech and press exist in the Bahamas. There are three privately-owned daily newspapers, one government-owned radio station, and one government-owned television station. There are several news weeklies, some of which are affiliated with political parties, including one affiliated with the leftist Vanguard Party. There is no political censorship or intimidation of journalists.

Vigorous and spirited parliamentary and public debate followed a December 1984 report of the Commission of Inquiry investigation into drug-related corruption in the country. Sizable public rallies and demonstrations took place largely without incident. The press reported the debates and demonstrations without hindrance.

The Speaker of the House, however, has on occasion directly ordered the press not to report on specific matters which had transpired at Parliament which he, for various reasons, expunged from the official House records. The press has acquiesced to these orders. On one occasion in November, however, after a Nassau daily inadvertently published an expunged remark made by an opposition member of Parliament, the Speaker summarily revoked the accreditation of the reporter who had written the news article.

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While the press is free, opposing points of view in the Bahamas are not afforded accurate and fair radio/TV treatment. In September 1985, the Broadcasting Corporation (ZNS) Chairman, a Member of Parliament from the ruling party, rationalized the ZNS' progovernment slant by stating publicly that while the ZNS should cover "the other side of the argument fairly and accurately," the Government "is the Government and almost daily by definition will make news." Under legislation predating both independence in 1973 and majority rule in 1967, the ZNS permits paid political broadcasts only once a year and then only for 15 minutes.

In late July 1985, when the opposition was able to purchase air time, its paid broadcast of its youth organization's annual convention was interrupted on several occasions with the insertion of music during at least two of the speeches. The ZNS proGovernment leanings and restrictions on paid political pronouncements place a significant limitation on opposition political groups in getting their views to the general public. This especially inhibits the opposition from reaching the nearly one-third of the population living in the family islands, who are heavily dependent on the ZNS for news (the three major daily newspapers do not generally reach the family islands).

Following the September 1983 broadcast by NBC alleging drug-related corruption by high-level government officials, NBC affiliates have experienced some difficulties in operating in the country.

b. Freedom of Peaceful Assembly and Association.

The Constitution protects the right to assemble freely and associate with others and specifically mentions political parties and trade unions.

Labor unions are independent of the Government and are free to organize, assemble, bargain, and strike. Many unions are affiliated with counterparts in other countries and are represented in the International Labor Organization (ILO). The Secretary General of the Trade Union Congress (TUC), the umbrella organization encompassing most major trade unions, also serves as President of the regional Caribbean Congress of Labor. Following a complaint by the TUC and the Bahamas Union of Teachers, the ILO's Freedom of Association Committee in 1985 criticized the Government for its 1983 action in the "compulsory retirement" of the teachers' union president from his position as a high school principal for reasons the ILO committee concluded were at least partially based on his trade union activities. The Committee also deplored the fact that the Government, despite several requests, made no reply to the allegations.

Prominent labor leaders are vocal in criticizing current labor law. The TUC has frequently called on the Government to ratify many ILO conventions, in particular numbers 87, 98, and 140 relating to the right to join a union of his/her choosing, the right to organize in the work place, and paid educational leave.

c. Freedom of Religion

There is no state religion, freedom of conscience is protected, and discrimination on the basis of creed is

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prohibited. Some members of the small Rastafarian cult believe they are singled out for persecution by the police; the police deny the allegations.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There exists freedom of movement within and outside the country. However, the legal status of an estimated 20,000-40,000 Haitians now residing in the Bahamas is precarious. In early September 1985, a treaty was signed between the Bahamas and Haiti legalizing the status under specified, restricted conditions of undocumented Haitian immigrants who arrived prior to December 31, 1980. All others are to be repatriated in an orderly and humane manner. A 2 month amnesty period was declared for voluntary repatriation without prosecution. There has been criticism voiced in the past on the handling of previous forced repatriations of large numbers of illegal Haitians. The health and safety of Haitian migrants aboard unseaworthy or shipwrecked vessels in the Bahamas were imperiled on several occasions in 1985 by official Bahamian policy and actions designed to expedite their departure from Bahamian territory. In August 1985, over 130 Haitians were stranded on uninhabited Flamingo Cay when their boat ran aground. The Royal Bahamian Defense Force (RBDF) attempted to tow the vessel with the Haitians aboard back to sea but abandoned its effort when it became clear the Haitian vessel would sink before it reached international waters. The Haitians remained on inhospitable Flamingo Cay for 2 weeks until rescued by the U.S. Coast Guard.

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

The Bahamas is a constitutional democracy governed by a freely elected Prime Minister and Parliament, with a resident Governor General under the British Commonwealth system. The political process is open to all elements of the society. There are two principal political parties, the governing Progressive Liberal Party (PLP) and the opposition Free National Movement (FNM). The PLP led the country for five years of internal self-government before independence in 1973 and has held power without interruption since then. It currently holds 32 of the 43 seats in Parliament. The FNM, a more conservative party, holds the other 11 seats. The radical leftist party, the Vanguard, has no seats.

The last general election was in 1982; new elections need not take place before 1987 but can be called sooner.

The PLP has been charged with using its tenure in office to strengthen its position through politically motivated hiring and firing of officials and through selective issuance of such things as housing grants, scholarships, and government contracts. These practices are drawing increasing criticism from opposition figures as well as PLP dissidents. As an example of such practices, in January 1985 the Government attempted to block the reappointment of two medical doctors to the Bahamas Medical Council for what appeared to be political reasons; the Medical Association used its two independent appointments to reappoint the two doctors to the Council.

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

There have been no requests from international organizations to investigate human rights conditions in the Bahamas. The Government has not generally been active in human rights affairs, but it has strongly criticized human rights violations in South Africa. Amnesty International did not mention the Bahamas in 1985. Freedom House rated the country "free" but noted that government power is partly maintained "by discrimination in favor of supporters and control over the broadcast media."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The population of the Bahamas is estimated to be 231,000, with a growth rate of 1.8 percent. The country is made up of some 700 islands or cays; only 10 have populations of any size. Of these, two islands, New Providence (Nassau) and Grand Bahama, contain over 75 percent of the population. Most economic and cultural activities take place on these two islands.

The Government has sought to develop the other, "family" islands to curb the movement by young people to the two major centers of activity. Per capita gross national product was estimated at \$5,552 for 1984. The rate of inflation for 1984 was 4.6 percent, while the overall unemployment figure for 1979 was 19.6 percent (for those between 14 and 19 it is estimated at 42.1 percent, and for those between 20 and 24) 22.7 percent. The Government is continuing to attempt to reduce unemployment by creating new jobs in tourism through both private and public investment.

The Bahamas has a good record of nondiscrimination on sexual, racial, and religious grounds. Notwithstanding the transfer of political power from the colonial era's white elite to a black majority (80 percent) in the 1960's, white Bahamians retain a visible presence in the country, hold high-level civil service and political posts, and are represented in Parliament. Life expectancy at birth is 69.58 years, while infant mortality is 20.60 per 1,000 births. The Bahamas has 948 hospital beds, and Ministry of Health doctors make regular trips to the outer islands. 1978 statistics indicate that 80 percent of the total population had access to safe water (urban 90 percent, rural 70 percent). Calorie supply as a percent of requirements was 84.63 in 1977.

In education, the Government is continuing to place emphasis on technical and vocational training. Literacy rates have remained about 93 percent over the past decade, but the 1982 primary school enrollment ratio fell to 88.22 percent. There has been a weakening of education in the public school system as result of shortages of teachers, equipment, and supplies as well as the physical deterioration of many schools. According to the Minister of Education, the results of the National Grade Level Assessment Tests taken in May and June 1985 indicate "serious deficiencies" in the 163 public and 62 private schools.

Although there is no minimum wage law in the Bahamas, wages offered are generally considered to provide for decent living conditions. The Fair Labor Standards Act of 1970 states that employers cannot permit their employees to work more than 48

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hours per week; the act also provides for a number of other worker benefits. It does not, however, address the question of child labor, but child labor is effectively discouraged by the requirement of compulsory education until the age of 14.

Although there is no specific legislation dealing with worker safety, the office of the Director of Labor regularly checks all work places for lighting, safety, ventilation, maching protective guards, etc. Employers cooperate with these inspections and in implementing safety recommendations made from them.

With a few minor exceptions women enjoy equal rights in both law and practice. Women participate prominently in all levels of Government and business, and are well represented in professional and private sectors. Women serve as Permanent Secretaries in ministries (the highest civil service position), in the legislative branch in elected and appointed capacities, and in the judicial branch. The Constitution does, however, make several distinctions between males and females regarding citizenship and the acquisition of permanent resident status. For example, female Bahamians can not bestow citizenship upon their spouses, but male Bahamians can.

Drug abuse is a growing problem, especially among the younger generation affected by high unemployment. Primarily the result of spill-over from the drug traffic in transit to the U.S., the ready availability of cocaine has led to a high level of addiction. Several privately sponsored programs are attempting to address the problem. Government assistance to these efforts has so far been limited to a \$10,000 contribution to the programs of the National Drug Council.

BARBADOS

A member of the British Commonwealth, Barbados is a constitutional democracy with a free, two-party democratic system of government. Its House of Assembly is the third oldest elected body in the Western Hemisphere. Barbadians recognize the Queen of England as Head of State; she is represented by an appointed Governor-General. The Prime Minister is the Head of Government.

The Royal Barbados Police Force ensures public order; it respects constitutional and legal guarantees of human rights. Its personnel and training have improved in recent years police morale is good, and public respect for the police force is high. Barbados has a well-established judicial system based on common law and British procedure.

The country's economy is based on light manufacturing, tourism, services, and sugar.

There were no changes in Barbados's excellent human rights record during 1985.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

No killings for political motives were reported during 1985.

b. Disappearance

There were no reports of disappearances in 1985.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution specifically prohibits torture, and there were no reports in 1985 of cruel, inhuman, or degrading treatment or punishment. Prison conditions are humane, although some overcrowding has been reported as a result of an increase in the prison population, principally due to drug-related crimes. Prison facilities are being expanded.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and imprisonment, and this prohibition is respected in practice. The Constitution also guarantees the writ of habeas corpus; the authorities must bring detainees before a court of law within 72 hours of arrest. Criminal defendants have the right to counsel, and attorneys have ready access to their clients. The use of any form of forced or compulsory labor is prohibited by law and that prohibition is respected.

e. Denial of Fair Public Trial

The Constitution provides that persons charged with criminal offenses be given a fair, public hearing within a reasonable time by an independent and impartial court. Defendants are presumed innocent until proven guilty. The Government provides free legal aid to the indigent. The judiciary acts independently and is free of intervention from other branches of government. There are no political prisoners.

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f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government does not interfere arbitrarily in the private lives of its citizens. The Constitution prohibits arbitrary entry, search, or seizure, and the law requires warrants to be issued before privately owned property can be entered and searched. The Government neither censors the mail nor restricts the receipt of foreign correspondence or publications.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Constitution guarantees freedom of speech and press, and these rights are respected in practice. The Caribbean Broadcasting Corporation Radio and Television Service is government-owned, but is independent of government control. Views opposing government policies are regularly reported.

b. Freedom of Peaceful Assembly and Association

The Government of Barbados observes the constitutional guarantees of peaceful assembly and private association. Various trade associations and private organizations function without government hindrance.

Workers have the right to organize, to bargain collectively, and to strike. Fifty percent of the labor force is organized, and protests or strikes have occurred when collective bargaining has failed. Although one major union has ties to the opposition party, labor leaders and rank-and-file trade union members are motivated primarily by economic and social rather than political considerations.

c. Freedom of Religion

There is full freedom of religion. The Anglican and Methodist faiths predominate, but there are numerous active religious denominations and organizations throughout the country.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens and legal residents move freely within and outside Barbados, a right guaranteed by the Constitution. Barbados has a small number of applicants for admission as refugees or asylees; these applicants are handled on a case-by-case basis.

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

In Barbados's parliamentary democracy, parties compete freely in honest elections held at least every 5 years. There are no impediments to participation in the political process; Barbadians over age 18 enjoy universal suffrage.

The present Barbados Labor Party Government won elections in 1976, and was reelected in June 1981, with 17 of the 27 assembly seats. The differences between the government party and the opposition Democratic Labor Party are based more on history and personalities than on ideology. Both parties tend toward democratic socialist policies, and they have assumed

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office in turn during three decades of self-rule. The "loyal opposition" criticizes the Government in a generally constructive fashion and would not hesitate to call attention to human rights abuses. A third party, the Workers Party of Barbados, was formed in early 1985, but has not contested an election.

Prime Minister J.M.G.M. "Tom" Adams died suddenly in March 1985, and was succeeded under the Constitution by Deputy Prime Minister H. Bernard St. John. The ruling Barbados Labor Party won a May by-election for Adams's vacant seat.

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

There were no reports of human rights violations in Barbados during 1985, and human rights groups have not requested investigations. Barbados advocates strengthening the human rights machinery of the United Nations and the Organization of American States. The Government favors more investigations into alleged violations of human rights in other countries and the increased use of factfinding or observer teams to monitor controversial political and electoral situations. The Government has spoken out on human rights violations in other countries, particularly in the Western Hemisphere and Africa. Several small groups in Barbados foster consciousness of human rights.

The 1985 Amnesty International Report expressed concern over the use of capital punishment in 1984. Freedom House gives Barbados a rating of "free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Barbados has a population of 252,000, with a growth rate of only 0.5 percent owing to continued emigration and a declining birth rate. The economy, which until 1980 had enjoyed several years of solid growth, suffered through a slack period between 1981 and 1983. An upswing in tourism and increased exports of light manufactures resulted in a 2.9 percent growth in gross domestic product in 1984. According to figures for the first half of 1985, stagnation in regional markets contributed to a more sluggish 1.0 percent annual growth rate. In 1983, per capita gross national product was \$4,050.

Citizens have long had access to public and private educational systems, and the adult literacy rate is 99 percent. Primary school enrollment is compulsory. Looking ahead to future educational needs, the Government has begun to expand the secondary school system.

Adequate medical care is available to all residents through local clinics and hospitals under the Government's health program. Government health insurance programs cover all Barbadians. Average life expectancy is 72.16 years, and there is one doctor for every 1,500 people. Infant mortality is 14.2 per 1,000 live births.

The legal minimum working age in Barbados is 16, a law which is respected. The work week is 40 hours in 5 days. Workers are guaranteed a minimum of 3 weeks annual leave. Occupational safety and health conditions are in keeping with

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International Labor Organization (ILO) standards. The minimum wage established by law is arguably less than that on which a person can be reasonably expected to live.

Barbadian law does not discriminate on the basis of race or sex. Barbados is a signatory of the 1979 Convention on the Elimination of All Forms of Discrimination Against Women. Women actively participate in all aspects of national life. One cabinet member is a woman, and women are well represented at all levels in both the public and private sectors. Women's groups speak out on public issues and insist on being consulted by the Government on important issues.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: BARBADOS

	1983	1984	1985
I.ECON. ASSIST.-TOTAL...	0.0	0.1	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.1	0.0
A.AID	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN \$-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.1	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.1	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.1	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.1	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.1	0.1
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING.....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.1	0.1
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	0.0	0.2	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.2	0.1
OTHER US LOANS.....	0.3	4.3	0.0
EX-IM BANK LOANS.....	0.0	4.3	0.0
ALL OTHER.....	0.3	0.0	0.0
ASSISTANCE FROM INTERNATIONAL AGENCIES			
	1983	1984	1985
TOTAL.....	16.7	47.3	11.7
IBRD	10.5	14.0	0.0
IFC	0.0	0.3	0.0
IDA	0.0	0.0	0.0
IDB	2.0	32.5	11.7
ADB	0.0	0.0	0.0
AFDB	0.0	0.0	0.0
UNDP	0.2	0.5	0.0
OTHER-UN	0.0	0.0	0.0
EEC	4.0	0.0	0.0
			1946-85
TOTAL.....			179.9
IBRD			60.2
IFC			0.3
IDA			0.0
IDB			102.1
ADB			0.0
AFDB			0.0
UNDP			5.6
OTHER-UN			0.2
EEC			11.5

BELIZE

Belize has a parliamentary form of government with a competitive political party system and regular local and national elections. A Constitution formulated at the time of independence in 1981 prescribes the framework of government. The People's United Party (PUP) dominated the movement for self-government and independence which began in the early 1950's, and controlled the national government from the time of internal self-government in 1964 until the first post-independence national elections on December 14, 1984. On that date, the United Democratic Party (UDP) defeated the PUP, winning 54 percent of the popular vote and capturing 21 of the 28 seats in the House of Representatives. The election was peaceful, open and honest. The UDP currently also controls seven of the eight municipal councils in Belize, including the Belize City Council.

The security apparatus consists of the Belize National Police and the Belize Defense Force (BDF). The National Police comprises approximately 600 men and women and has the principal responsibility for law enforcement and maintenance of order. The BDF consists of 800 active personnel and reservists; although internal security is not its principal mission, it occasionally assists in police activities.

The Government favors free enterprise and has made encouragement of the private sector the basis of its strategy for achieving economic growth. The Government encourages new investment, both domestic and foreign. To provide a sound foundation for development, the Government has taken steps to strengthen public finances pursuant to a December 1984 International Monetary Fund (IMF) standby agreement. Largely because of depressed markets for sugar, the nation's largest source of private employment and of foreign exchange economic growth has been slow in recent years. Belize's gross exports are increasing, though still below 1981 levels.

Constitutional protections for the fundamental rights and freedoms of the individual are upheld by an independent judiciary and an equitable justice system. A free press and competitive electoral politics also serve to protect civil and political rights. There were no cases of political violence during 1985, and the country's overall human right record remained good.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

Unlawful or arbitrary deprivation of life and politically motivated killings were not reported in Belize during 1985.

b. Disappearance

There were no reports of disappearances in Belize during 1985.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Such treatment is prohibited by the Constitution and does not occur. Sentences for most crimes are generally lenient

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compared to sentences imposed for similar crimes elsewhere in the region. Prisons continue to be seriously crowded and badly antiquated; however, prisoners are adequately fed and have comparatively generous social and recreational privileges.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary imprisonment and guarantees the right of habeas corpus. A person is entitled, within 48 hours of arrest, to be informed of the reason for the detention and to be brought before a court within 72 hours. Release on bail is allowed for all but the most serious criminal offenses. These procedural safeguards are routinely observed.

Forced labor is forbidden by the Constitution and is not practiced.

e. Denial of Fair Public Trial

The Constitution specifically guarantees due process and the rights of accused persons: presumption of innocence, protection against self incrimination, right to counsel, and public trial. Trial by jury is mandatory in criminal cases, except for those minor offenses decided by Magistrate's Courts. Protection for the integrity of the person in law corresponds the actual practice of the courts. The judiciary is independent of the executive and is regarded as an effective guarantor of an equitable judicial system. Its major shortcoming is insufficient trained personnel at all levels, resulting from the inability of the Government to provide adequate funding. There are no political prisoners in Belize.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the protection of family life, personal property, the privacy of the home, and recognition of human dignity. No violations of these guarantees have been reported during the past year.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Freedom of speech and press are assured under the Constitution and are respected in practice. The Government controls Belize's only radio station, but a wide range of political opinion is presented in the country's press. The opposition and independent newspapers are frequently critical of the Government. There are fourteen privately owned and operated television stations in Belize. Belize is in the process of developing a regulatory framework for broadcasting. Following enactment of a broadcasting law in 1983, a six-member Belize Broadcasting Authority was appointed, and has begun the process of licensing existing stations. A controversy arose in May 1985 when the authority ruled that a television program produced by the opposition PUP could not be aired on the grounds that political broadcasts could be approved only in the context of upcoming elections. The issue was taken to the Supreme Court, which ruled that the relevant provision of the broadcasting regulation was unconstitutional. The Government has appealed this ruling, and the case is now before the Court of Appeals.

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b. Freedom of Peaceful Assembly and Association

Constitutional guarantees of freedom of assembly and association and the right to form and belong to trade unions are respected in practice. Permits are required to hold public meetings but are rarely denied.

There are eight independent labor unions representing approximately fifteen percent of the Labor Force. The National Trade Union Congress of Belize is affiliated with the International Confederation of Free Trade Unions through membership in the Caribbean Congress of Labor. Belizean unions engage in the full range of union activities. The unions have the right to collective bargaining, and labor disputes unresolved by bargaining are normally settled through arbitration; the Labor Commissioner or Joint Labor-Management panels serve as mediators. Workers have the right to strike. While there are varying degrees of cooperation with the political parties, no union is controlled by a political party. The Government accepts the principle of tripartite representation to the International Labor Organization (ILO), but has been constrained from full participation in ILO activities by lack of funds.

c. Freedom of Religion

There is no state religion. More than fifteen Christian denominations and the few non-Christian groups all worship freely. Most of Belize's primary and secondary schools are operated by churches. Church leaders have long had close ties to the political establishment, and churches play an active role in the tasks of social and national development.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on movement within Belize or on foreign travel and emigration. Emigration is principally motivated by economic reasons and not by political or human rights considerations, and emigrants frequently return for family visits. Aliens convicted of crimes, particularly drug offenses or entry into Belize without proper documentation, are usually deported. Several thousand aliens from nearby Central American countries have arrived in Belize since 1980, often entering illegally and residing in the country without permits. Various steps have been taken to deal with this influx. A settlement project utilizing funds from the UN High Commissioner for Refugees (UNHCR) and lands provided by the Belizean Government is providing farmsteads for 86 Salvadoran families. A program to register undocumented aliens was carried out in 1984. An undetermined number of aliens have since legalized their status; however, it is likely that many more remain illegally at the risk of arrest and fines. There is no evidence that displaced persons have been compelled to return to their country of origin. A UNHCR-supported office of refugee affairs is a part of the home affairs ministry.

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

With the general election of December 1984 and the municipal elections in March 1985, Belize experienced a peaceful transfer of national governmental power from the PUP to the UDP. Although the ruling party's parliamentary majority gives it

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broad freedom to decide government policy, its exercise of political power is limited by public opinion, a free press, an independent judiciary, and genuinely competitive electoral politics. Broadly based political participation is represented in both major parties. A third party, the Belize Popular Party, was formed in early 1985 by PUP members dissatisfied with that party's policy subsequent to its electoral defeat. In addition, there is a small Christian Democratic Party whose activities are centered in the Dangriga-Stann Creek Area. Another small local party, the Toledo Progressive Party in Punta Gorda, did not field candidates in the above-mentioned elections. Participation in local and national elections is traditionally high in Belize; 74 percent of the electorate voted in the 1984 General Election.

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

No international entities have asked to investigate the human rights situation in Belize. A private human rights council and a branch of Amnesty International exist in Belize. Given the favorable human rights environment, the activities of these two organizations have been very limited. Amnesty International's 1985 report did not mention Belize. Freedom House rates Belize "free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The population of Belize was 165,000 in 1985. The rate of population growth is estimated to be 2.2 percent; however, accurate estimates are hard to make due to sizeable immigration from surrounding countries and emigration from Belize to the United States. According to 1982 World Bank figures, per capita gross national product was \$1083.

Because of depressed sugar markets, economic activity has been slow. Real income remained basically unchanged or possibly decreased marginally from 1982. Unemployment was estimated at 14.2 percent in late 1984, but along with underemployment has probably risen with the recent closing of one of the country's two sugar mills.

The adult literacy rate is 91.2 percent and 80 percent of the population has access to safe water (both figures are 1970 World Bank estimates). The ratio of caloric supply available for consumption to nutritional requirements was 115 percent in 1977. The health care system is not able to provide basic health care for all Belizeans. Life expectancy at birth is over 66 years, while the infant mortality rate is 53.5 per thousand live births. Public education, while not compulsory, is available for all children between the ages of 6 and 14.

Minimum ages for employment of children have been established at 14 years for work in retail establishments and at 17 years for any work near hazardous machinery. Minimum wages have been established for many occupations, and there are occupational safety regulations, although a shortage of resources makes it difficult for the Government to enforce them.

While there is no official policy of discrimination against women in Belize, they are faced with discrimination which is rooted in cultural, social, and economic structures. The Government, however, seeks the participation of women in the

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nation's political parties, private voluntary organizations, and churches. They are prominent in local and national government and well represented in the professions. The Governor General, who represents Queen Elizabeth II in her capacity as Belizean Head of State, is a woman, as is the President of the Senate. Women hold officer and enlisted positions in the police and the BDF.

U.S. OVERSEAS - LOANS AND GRANTS - OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S. FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: BELIZE	1983	1984	1985	
I. ECON. ASSIST.-TOTAL...	17.9	5.5	22.7	
LOANS.....	10.6	0.9	13.0	
GRANTS.....	7.3	4.6	9.7	
A. AID	10.7	3.9	22.5	
LOANS.....	10.6	0.9	13.0	
GRANTS.....	6.1	3.0	9.5	
(SEC. SUPP. ASSIST.)...	10.0	0.0	14.0	
B. FOOD FOR PEACE.....	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
TITLE I-TOTAL.....	0.0	0.0	0.0	
REPAY. IN 3-LOANS.....	0.0	0.0	0.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	0.0	0.0	0.0	
E. RELIEF. EC. DEV & WFP.	0.0	0.0	0.0	
VOL. RELIEF AGENCY.....	0.0	0.0	0.0	
C. OTHER ECON. ASSIST...	1.2	1.6	0.2	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	1.2	1.6	0.2	
PEACE CORPS.....	1.1	1.5	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.1	0.1	0.2	
II. MIL. ASSIST.-TOTAL...	0.1	0.5	0.6	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.1	0.5	0.6	
A. MAP GRANTS.....	0.0	0.5	0.5	
B. CREDIT FINANCING.....	0.0	0.0	0.0	
C. INTL MIL. ED. TRNG....	0.1	0.0	0.1	
D. TRAN-EXCESS STOCK....	0.0	0.0	0.0	
E. OTHER GRANTS.....	0.0	0.0	0.0	
III. TOTAL ECON. & MIL...	18.0	6.0	23.3	
LOANS.....	10.6	0.9	13.0	
GRANTS.....	7.4	5.1	10.3	
OTHER US LOANS.....	0.0	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	0.0	0.0	
ASSISTANCE FROM INTERNATIONAL AGENCIES	1983	1984	1985	1946-85
TOTAL.....	5.5	2.3	0.0	11.2
IBRD	5.3	0.0	0.0	5.3
IFC	0.0	0.0	0.0	0.0
IDA	0.0	0.0	0.0	0.0
IDB	0.0	0.0	0.0	0.0
AID	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.0	0.3	0.0	2.8
OTHER-UN	0.2	0.0	0.0	1.1
EEC	0.0	2.0	0.0	2.0

BOLIVIA

Bolivia is now a democracy with a constitutionally elected Government. On July 14, 1985 the country held free democratic elections which resulted in the first constitutional transition from one civilian government to another in almost 20 years. On August 6, after a close contest between the Nationalist Democratic Action (ADN) party candidate Hugo Banzer and the Nationalist Revolutionary Movement (MNR) candidate Victor Paz Estenssoro, the latter was elected President by the Bolivian Congress in accordance with constitutional processes. The new Government's authority was tested almost immediately when its economic program was challenged by organized labor in a series of general strikes. The Government responded by declaring a state of siege which curtailed the rights to protest and assembly, in accordance with constitutional provisions, and by cracking down sharply on trade unionists, moves approved by the Congress and broadly accepted by the public.

The state security apparatus, which had been used by military governments in the past to torture and intimidate, was abolished under the 1982-85 government of Siles Zuazo, but Bolivia still has an internal intelligence service which falls under the responsibility of the Ministry of Interior, as well as intelligence services associated with the military. The internal intelligence service was active in rounding up and detaining Bolivian trade unionists in September 1985 under the Government's state of siege measures.

Bolivia is the poorest country in South America despite the rich natural resources available to a sparse population. The export sector, dominated by state enterprises, has stagnated for years and there has been a continual decline in the standard of living. As one of its first moves, the new Government announced a set of stringent economic adjustment measures designed to halt hyperinflation (the world's highest at 20,000 percent annually), reduce a huge fiscal deficit of nearly 30 percent of gross domestic product and restore economic growth which had contracted by approximately 20 percent in real terms from 1982 to 1984. The new economic plan emphasizes free market solutions to the economic crisis. For example, by breaking up government monopolies in sugar, rice, and wheat production, incentives have been created for individual farmers to produce as much of these products as they can sell at prevailing market prices.

In 1985, Bolivia witnessed a continuation of the improvement in the human rights situation which commenced with the end of the military government in 1982, although the record was not fully satisfactory. The temporary detention of some 3,000 trade union members on September 19 under provisions of the state of siege curtailed the freedoms of assembly, travel, and peaceful protest, albeit under terms of the Constitution and without any reports of torture, deaths, injuries, or disappearances such as had occurred under previous governments. On October 14, 1985 the Bolivian Military Court reduced the sentences of the so-called Luribay Seven detained in October 1983, but did not as requested grant a public trial in a civilian court. The October 1984 amnesty declared in their behalf by President Siles Zuazo was never honored by the military courts.

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

a. Political Killing

There were no reports of political killings in Bolivia in 1985.

b. Disappearance

There were no verified cases of politically motivated disappearance in Bolivia in 1985.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits all forms of torture, and neither the Siles Zuazo Government nor the Paz Estenssoro Government has practiced or condoned the use of torture. Most problems of prisoner mistreatment arise from overcrowded prison conditions and from underpaid, undertrained prison and police personnel. Corruption, malnutrition, and unsanitary conditions are endemic in Bolivia's underfinanced prisons.

d. Arbitrary Arrest, Detention, or Exile

Under the Constitution, no one can be arrested without a court order and detainees must be charged or released within 24 hours. However, Article 111 of the Constitution provides that the executive branch of government can declare a state of siege "in case of grave danger caused by internal commotion or international war," and under Article 112 detainees can be held 48 hours.

A state of siege was declared on September 19, 1985, and the Government explained its action on the basis of labor's decision to radicalize and broaden its general strike which was crippling vital sectors of the economy and was widely regarded to be primarily political in motivation. On October 2, the Bolivian Congress approved the Government's state of siege by a 94 to 39 vote. The state of siege was lifted on December 18, 1985.

As many as 3,000 trade unionists and bystanders were detained by Bolivian armed forces and police. Some detainees complained that the decision to keep or release them was made by men wearing hoods. Most detainees were never charged, and within 24 hours the Government had released all but some 200 unionists who were given a choice of internal or external exile, in accordance with the constitutional provisions on a state of siege. Four trade unionists went to Peru while the others remained in Bolivia where they were internally exiled to rural military bases in isolated parts of Bolivia. Conditions on the bases were primitive and many detainees complained about poor food, isolation from their families, and hot weather. There were no reports of torture.

The Government began releasing detainees on October 1, and the following day the Government and the unions approved an agreement ending the strike. By October 9, 1985, all the detainees were released except Fausto Ardaya Bernal from the National Telecommunications Company (ENTEL) union; he was no longer being held under state of siege rules but rather was being held without bail for criminal acts. In response to a writ of habeas corpus, the Government on October 10 brought

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Ardaya before the court. Other trade unionists who were also charged with criminal offenses, notably former officers of the Central Bank, were released on bail.

Forced or compulsory labor is prohibited by Bolivian labor law.

e. Denial of Fair Public Trial

The Government has upheld the right of fair public trial, but delays in the judicial system are common.

Seven persons detained by the army near Luribay in 1983 for alleged involvement in training of leftist groups were convicted of arms theft and attempted treason by a military court in 1984 after the Bolivian Supreme Court ruled that the military court had jurisdiction to try the case. On October 28, 1984, President Siles granted amnesty to the seven detainees, but the dispute over legal jurisdiction prevented their release. On October 14, 1985, the Supreme Military Tribunal published a decree which reduced the sentences of the seven detainees and will make possible the parole of four of them in April 1986 and the other three in October 1986.

Bolivia's legal practices allow for two judicial systems: civilian and military. The civilian system has control over Bolivian civil and penal codes. According to article 127 of the Constitution, the Supreme Court, Bolivia's highest civilian judicial body, also may review legislative measures and judge whether or not their statutes are in accordance with a citizen's "concrete rights or with the Constitution."

Article 208 of the Constitution gives the military the "fundamental mission to defend and conserve national independence, the republic's security and stability, honor and national sovereignty." To perform this "mission," the Bolivian military established in 1976 a revised military penal code and a law on the organization of the military judiciary. These measures define and establish military jurisdiction over actions against the security of the state, military personnel, or property.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The sanctity of the home and the privacy of citizens' lives are protected by the Constitution and normally are respected in practice. House searches, monitoring of conversations, and other abuses that occurred under military regimes in the past ceased during the Siles Zuazo Government.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

As a democratic country, Bolivia enjoyed an independent, unfettered, and critical press throughout most of 1985. Exceptions occurred with the September 19 imposition of a state of siege when Interior Ministry agents entered worker-owned and -managed pro-labor radio stations and shut them down. However, by the end of 1985, all radio stations in Bolivia had reopened including the worker-run "Radio Continental" in La Paz. Two journalists for the Bolivian Workers Central (COB) were internally exiled along with other detainees for about 2 weeks under the state of siege. The

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most widely publicized government violation of press freedom was the September 23 detention of Antonio Peredo, editor of leftist weekly AQUI. Interior Ministry plainclothesmen initially had tried to apprehend Peredo in the Congress, but several Congressmen had intervened. Arrested later a few blocks away, he was released without charge after spending the night in the Interior Ministry; he said he had not been mistreated. Interior Minister Fernando Barthelemy subsequently apologized publicly for the incident.

Since the restoration of democracy in 1982, Bolivians have had a generally unrestricted press which represents a wide spectrum of ideological points of view. Both the Siles Zuazo and the Paz Estenssoro Governments have tolerated criticism from the media, including during the state of siege. Academic freedom is enjoyed at Bolivia's schools. There are both state-owned and privately owned radio and television stations, and the newspapers are all privately owned.

b. Freedom of Peaceful Assembly and Association

Except during the state of siege, peaceful assembly and association have not been restricted. Under the original provisions of the state of siege, groups of three or more were not allowed to gather between midnight (later changed to 3 a.m.) and 6 a.m., demonstrations and protest marches were prohibited, and permission had to be obtained from the police to hold a gathering or a party in the evening. Such police permits were readily available for a modest fee.

Bolivians have the right of association and the right to organize and bargain collectively. While Bolivian law still does not extend these rights to government jobs, in practice this distinction has been ignored and virtually all government employees are unionized.

The Bolivians Workers Central, an umbrella labor federation which represents the majority of Bolivian workers, is independent, politically powerful, and in the past has frequently paralyzed the economy with crippling strikes. Since the October 1982 return of democracy to Bolivia, the rights of unions have been observed to the extent that many persons (especially in the private sector) feel that the unions are too well protected. Under the Paz Estenssoro Government, union/government relations have been strained and conflictive. The unions, for example, made a claim to having the right of co-government, a claim which went far beyond such traditional labor rights as collective bargaining. Matters came to a head when the unions sought to veto the executive branch's economic policy, a move which precipitated the state of siege. Some union leaders have even demanded the same political immunity for union leaders as is accorded members of Congress.

c. Freedom of Religion

Citizens are free to practice the religion of their choice, and there are no restrictions on churches publishing, establishing places of worship and religious schools, training clergy, or maintaining international ties. Bolivian law requires that religious groups be incorporated, but there is no state control or censorship. Since the return to civilian government, no clergy have been persecuted for their political or religious beliefs or activities.

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Roman Catholicism is the predominant religion and is recognized by the Constitution as the official religion of the country. Catholic bishops receive a nominal stipend from the State, but no other secular advantage is conferred. Protestant churches operate openly and freely. In 1982, a Protestant college opened in Santa Cruz. Two years later, a Baha'i University opened in the same city. The Mormons and Seventh Day Adventists are free to proselytize and to operate churches and training centers throughout the country. The small Jewish community is not disturbed as it was under military regimes, which tolerated neo-Nazi "paramilitary" groups which published anti-Semitic tracts. The Mennonites have large rural colonies in Santa Cruz.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There were no unusual restrictions on travel within Bolivia or abroad except during the temporary state of siege which began on September 19, 1985, and ended at midnight December 18, 1985. Under the provisions of the state of siege, one needed a no-fee police permit--which was readily available--to leave the country, to travel within Bolivia, and to drive a car between midnight and 6 a.m. On October 14, 1985, the Government reduced the restricted hours to the period from 3 a.m. to 6 a.m.

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

On July 14, 1985, Bolivia held free democratic elections which resulted in the first constitutional transition of power from one civilian government to an opposing political party in almost 20 years. On August 6, 1985, after a close race at the polls between Nationalist Democratic Action (ADN) party candidate Hugo Banzer and Nationalist Revolutionary Movement (MNR) candidate Victor Paz Estenssoro, the latter was elected President by the Bolivian Congress in accordance with constitutional processes. No party won a majority and ADN candidate Banzer actually received more popular votes (with about 28 percent of the total) than the winner Paz Estenssoro (who received 27 percent). Because no party won a majority, the Congress had to choose the President. The MNR was able to gather support from other parties in Congress and on August 6, 1985, Victor Paz Estenssoro was sworn in as President, replacing Siles Zuazo who had governed since October 10, 1982.

The political system is dominated by persons of European or Mestizo origin. Those following a traditional Indian lifestyle and speaking Aymara or Quechua as a primary language make up an estimated 60 percent of the population and have failed to advance to top positions because of economic disadvantages and educational and cultural isolation as well as an element of overt discrimination. There have been notable exceptions to this rule, such as the present Minister of Agriculture, Mauricio Mamani Pocoaca, who is a full blooded Aymara.

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

The Government has been sensitive to the opinions of both international and domestic organizations regarding alleged

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violations of civil liberties. An International Confederation of Free Trade Unions (ICFTU) team visited Bolivia from October 19 to October 22, 1985, and met with trade union and government officials to discuss and observe the local situation. The ICFTU officials indicated that a report would be forthcoming. Two representatives from the World Confederation of Labor (WCL) and its Latin American Workers Central (CLAT), visited Bolivia November 1985, to investigate what they alleged to be "serious violations of union rights and labor laws." They met with Bolivian Workers Central leaders and officials of the Ministry of Labor. The visitors criticized President Paz and called on him to free several imprisoned labor leaders who were being detained on criminal charges (unlike the thousands who had been temporarily picked up and later released when the Government imposed a state of siege on September 19, 1985). In accordance with Bolivian legal procedure, one of the leaders held on criminal charges was subsequently released pending trial. Among nongovernmental organizations, the Catholic church, the Permanent Assembly of Human Rights, and the press have been the most aggressive monitors of human rights in Bolivia. The Bolivian Episcopal Conference of the Catholic Church and some Protestant ministers played a role in the past in visiting detainees and speaking out against abuses. Individual Catholic bishops, many priests, and such lay groups as the Bacherer Foundation and the Confederation of Lay Persons have been active in the investigation of social problems, and, occasionally, human rights issues.

Amnesty International Report 1985, which covered events in 1984, expressed concern about lack of progress in investigations into disappearances and extra judicial executions which took place under previous governments, and the failure of some sectors of the military to cooperate in those investigations. Freedom House rated Bolivia as "free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Bolivia's population in 1985 is estimated at 6.2 million with a growth rate of 2.6 percent. World Bank statistics for 1984 indicate a per capita gross national product of \$410.

The failure of the Siles Zuazo administration to adopt adequate economic corrective measures and its repeated concessions to labor's demands for wage increases were key factors ensuring continued economic deterioration and hyperinflation, which exceeded 20,000 percent through September 1985. Bolivia has a \$3.8 billion international debt with debt service payments exceeding the value of legal exports. Payments on its debt to foreign commercial banks were suspended in April 1984. The newly elected Paz Estenssoro Government's economic program of August 29 represents a head-on attempt to stop the hyperinflationary spiral and to reactivate the economy's productive apparatus. Implementing a series of free market economic measures such as exchange rate, price, and interest rate deregulation, coupled with a restrictive public sector wage and monetary policy, Bolivia has taken a major step towards economic stabilization. This form of shock treatment, although it is expected to produce economic improvements in the medium to long term, will cause painful adjustments in the short run. The Government has opened discussions with its private foreign creditors on debt rescheduling, and has begun negotiations

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with the International Monetary Fund (IMF) on a standby agreement. A concerted effort is being made to improve Bolivia's foreign investment climate.

Life expectancy at birth is estimated at 51.9 years. The infant mortality rate is a high 119 per 1,000 live births. Data from the 1976 census indicate that 291 out of 1,000 rural children die before their 5th year, compared to 186 per 1,000 urban children. Only 57 percent of the population had access to safe water in 1980 (the last year for which this statistic is available), and the caloric supply available for consumption relative to nutritional requirements was only 90 percent in 1982.

World Bank figures show the adult literacy rate was 63.2 percent in 1976, but more recent Bolivian estimates place it at about 73 percent. Public education is free and generally available in urban areas, but the school year has frequently been interrupted by strikes and protests. According to World Bank figures, the primary school enrollment ratio was 86 percent in 1982. Except in the most isolated areas, Bolivian rural youth can expect at least 3 years of schooling.

Bolivian labor law prohibits any labor contract which denies a worker his or her constitutional rights and freedoms. The employment of minors under 18 years of age and women in dangerous, unhealthy, or immoral work is prohibited. Bolivia has acceptable conditions of employment with minimum wage laws and an elaborate system of bonuses and compensations. For most jobs, especially in the public and mining sectors, most workers have an 8-hour day.

There are laws governing occupational safety and health, but often they are not rigorously observed in practice. Enforcement is a major problem. The most dangerous and unhealthy jobs historically have been in the mines. Many are old and operated with antiquated equipment. Mine workers suffer from silicosis, but many do not wear their safety masks.

Although protected in theory by social legislation that represented a pioneering effort in the Latin American context, Bolivian women do not enjoy a status in society equal to that of men. The main obstacles to advancement are cultural traditions, social conditions, and a lack of political influence. In rural families, women have contributed significantly to economic activities but are nonetheless considered subordinate. In some urban families, women are slowly achieving a greater role in Bolivian business life and increasingly are beginning to participate in cooperatives, community meetings, and education.

Since 1952 racial discrimination has been banned in Bolivia. However, informal discrimination persists against persons of Indian background by those persons wholly or partly of European ancestry. At least partially as a result of this discriminatory treatment, the Indian population is at the lower end of the country's socioeconomic scale, with the expected adverse effects on health, life expectancy, education, income, and unemployment.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: BOLIVIA

	1983	1984	1985
I.ECON. ASSIST.-TOTAL...	63.0	78.0	50.6
LOANS.....	40.4	49.5	24.0
GRANTS.....	22.6	28.5	26.6
A.AID.....	11.4	52.3	18.4
LOANS.....	8.0	39.5	4.0
GRANTS.....	3.4	12.8	14.4
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	49.2	22.1	29.5
LOANS.....	32.4	10.0	20.0
GRANTS.....	16.8	12.1	9.5
TITLE I-TOTAL.....	32.4	10.0	20.0
REPAY. IN \$-LOANS.....	32.4	10.0	20.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	16.8	12.1	9.5
E.RELIEF.EC.DEV & WFP.	8.2	0.1	0.8
VCL.RELIEF AGENCY.....	8.6	12.0	8.7
C.OTHER ECON. ASSIST....	2.4	3.6	2.7
LOANS.....	0.0	0.0	0.0
GRANTS.....	2.4	3.6	2.7
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	1.7	2.7	1.5
OTHER.....	0.7	0.9	1.2
II.MIL. ASSIST.-TOTAL...	0.0	0.1	3.4
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.1	3.4
A.MAP GRANTS.....	0.0	0.0	3.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.1	0.4
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	63.0	78.1	54.0
LOANS.....	40.4	49.5	24.0
GRANTS.....	22.6	28.6	30.0
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0
ASSISTANCE FROM INTERNATIONAL AGENCIES			
	1983	1984	1985
TOTAL.....	211.3	130.6	0.0
IBRD.....	0.0	0.0	0.0
IFC.....	0.0	0.0	0.0
IDA.....	0.0	0.0	0.0
IDB.....	211.1	126.8	0.0
ADB.....	0.0	0.0	0.0
AFDB.....	0.0	0.0	0.0
UNDP.....	0.2	0.8	0.0
OTHER-UN.....	0.0	3.0	0.0
EEC.....	0.0	0.0	0.0

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Brazil returned to full democratic rule in 1985. Jose Sarney, chosen as Vice President by the electoral college in January, became President in April following the death of the President-elect.

With the return of democracy, the Brazilian Congress approved amendments to remove immediately a number of the more authoritarian provisions in the 1967 Constitution. The center of political power continues to be the Presidency, which enjoys various constitutional and legal devices providing decisive authority within the Brazilian legal framework. The Congress, most of which was popularly elected in 1982, plays an increasingly active role in national policy-making. The Brazilian judiciary is a respected and independent institution and is largely successful in guaranteeing due process of law for most citizens.

1985 was a year of economic recovery, with growth expected to be around 7 percent. Brazil is the eighth largest economy in the non-Communist world, but it must cope with a foreign debt of nearly 100 billion dollars and high inflation (over 200 percent in 1985 and in each of the 2 previous years). The 3 years prior to 1984 were years of severe recession, and per capita gross national product declined substantially. The Brazilian Government has been able to adjust the economy's external sector to current international financial conditions, as shown by the large growth in its trade surplus.

The state of human rights continued to improve in 1985, reinforcing the long-term trend. Brazilians are largely free to participate in the political and economic life of the country. The President may, however, invoke constitutionally sanctioned emergency powers and has authority to issue decree-laws. Although a decree-law enters into effect immediately, it must then be submitted to Congress, which has 60 days to approve or reject it. President Sarney has issued several decree-laws, but recently stated his intention to cease this practice.

Under the current civil code, Brazilian Indians are considered "semi-competent" wards of the State and live under certain restrictions and protections which are not applicable to other citizens. Indians living on a number of reservations are under pressure from mineral and agricultural developers, as well as squatters and legitimate settlers, to open more of their lands to others.

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

a. Political Killing

There were no reports of political killings in 1985. However, there have been charges by human rights organizations that police in Rio and Sao Paulo have killed individuals suspected of common crimes. The National Conference of Brazilian Bishops (CNBB) notes that the situation in Rio has improved in recent years. While these killings apparently still continue, they are not politically motivated and police participation is unclear. The church perceives no similar improvement in Sao Paulo over the past several years and believes insufficient resources have been devoted by local or state government to combat the problem. Many of the more than 200 criminals

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reported as killed annually in confrontations with Sao Paulo police are believed by human rights activists to have been killed after capture. The situation has been complicated by an alarming rise in the rate of violent crime in Rio and Sao Paulo, which has led to a high degree of public tolerance of charges of police brutality toward suspects.

b. Disappearance

There have been no reports of politically motivated abductions. However, Sao Paulo human rights groups report the disappearance of 15 alleged common criminals from police custody since December 1984.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is prohibited by the penal code, and there have been no reports of politically motivated torture in 1985. However, various human rights and professional organizations report that police beatings and torture of individuals suspected of common crimes are widespread, the primary purpose apparently being to extract confessions. Such practices primarily affect the underprivileged. Although church authorities in Rio noted a steady decline in such offenses in 1983-84, due to government efforts to curb mistreatment of suspects, there was no evidence of further significant improvement during 1985. In Sao Paulo, the practice reportedly remains widespread with little change over the past several years. Human rights activists in both Rio and Sao Paulo maintain that the dominant factor sustaining these abuses by police is the perception that they can act with impunity. Although little improvement was noted in 1985, there is guarded optimism that the sense of impunity is fading, due in part to several nationally reported judicial proceedings against police involved in torture and killings.

Many prison facilities continue to be overcrowded and poorly maintained and managed. The state of Sao Paulo is now engaged in a major construction program of medium-security regional prisons. There has been no such investment in Rio, leading to resignations in September of the director of the State Penitentiary System and principal prison wardens. The worst cases of sub-human prison conditions which have come to recent attention are the "prisoner deposits" in urban Minas Gerais, where an infamous death lottery among prisoners has developed, supposedly to call public attention to the overcrowded conditions. (Some 20 prisoners were killed by fellow inmates in these cells during 1985.) The state of Minas Gerais has transferred some of the more hardened criminals and has begun construction of a new maximum-security prison, the first investment in the penal system in 30 years, but poor conditions persist.

d. Arbitrary Arrest, Detention, or Exile

The independent judiciary is largely successful in guaranteeing due process of law for most citizens, although delivery of justice to economically marginalized groups is incomplete. Under the law, an individual may not be arbitrarily detained. Habeas corpus is guaranteed by the Constitution and is respected.

Provisional detention is permissible under criminal law. It is ordered by judges (in cases of common crimes) or by certain

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high-level administrative authorities (in cases of crimes against the public administration or of extradition), not by the police. For example, a judge may order provisional detention to preserve public order when there is evidence of probable cause, when the accused is considered dangerous or does not have a fixed job or address, or when the individual is caught in the act of an unobtainable crime. Detention may also be ordered to prevent interference by the accused in criminal proceedings, e.g., when the individual might influence or harm witnesses. Provisional detention can be extended until the case comes to trial or until a judge rules that reasons for the detention no longer exist. Provisional detention in Brazil is not practiced arbitrarily and does not normally lead to longer periods of incarceration.

Forced or compulsory labor is not used in Brazil by any official or government organization. During 1985, several accusations were made that individual landowners in the states of Bahia and Acre have maintained a "slave" work force, usually through methods such as discounting salaries against transportation and other expenses and of preventing workers from leaving the property. When these practices have been exposed to authorities, action has been taken to secure release of the persons.

e. Denial of Fair Public Trial

The right to a fair public trial is guaranteed by law for both penal code and National Security Law violations and is respected in practice. Defendants are entitled to counsel and must be made fully aware of the charges against them. In cases where a defendant cannot afford an attorney, one must be provided free of charge. However, there are too few public defenders, and thousands of criminal cases are now backlogged. Defendants and their attorneys have the legal right to be informed of the evidence on which the charges are based. Cases may be tried before a single judge or by jury, except in the cases of willful crimes against life, in which case a jury trial is mandated.

Numerous lynchings have been reported in the press and the phenomenon is apparently increasing. The greatest incidence of lynching takes place in the slums on the outskirts of major cities, a result of perceptions that police and court protection is unavailable.

The Brazilian judicial system is an independent branch of government. The federal court system of Brazil is composed of courts of the first instance and appeals courts. The Federal Supreme Court is the highest court in the land. The states are free to organize their own judicial systems as long as they do not violate basic principles of the federal Constitution. Brazil also has a system of specialized courts such as labor courts, electoral courts, and juvenile courts.

The military court system is charged with the responsibility of hearing cases involving military personnel and cases involving civilians charged under the National Security Law or with offenses against military installations. Legal guarantees also apply in military courts. Civilians have the right to appeal to the Federal Supreme Court when convicted of crimes against the National Security Law. Military personnel also may appeal to the Federal Supreme Court in national security cases, but only in extraordinary circumstances. The

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Minister of Justice has stated that civilians will not be charged under the law pending its revision. At present, no one is imprisoned in Brazil under the National Security Law. Two cases are still pending for attempts to organize Communist parties. As Communist parties are now legal, it is expected that these cases will end in dismissal or acquittals, as did a similar case in 1985.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.

Forced entry into homes without a warrant probably still occurs in searches for criminals, but this practice has declined in recent years, according to human rights organizations. There are no reports of such illegal entries of homes in political cases. Freedom from search is a constitutionally guaranteed right.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The right to free speech and to a free press are guaranteed in the Constitution. Opposition viewpoints are aired freely in various media. There has been no interference with the media by the new Government.

Newspapers are privately owned and are vigorous in reporting on and discussing government policies and performance. Self-censorship is rare. The Inter-American Press Association listed Brazil as having a "free press."

Radio and television stations are also privately owned, but the Government can withdraw their licenses fairly easily. The current administration plans to review all licenses issued during the last 6 months of the previous Government. Electronic media broadcasts covered a vast array of topics, including controversial social and political issues during 1985.

Foreign publications are widely distributed in Brazil. A restrictive censorship law still exists, but the provisions being observed apply mainly to age restrictions. A new law is being developed which is expected to concentrate on protection of minors from harmful influences, including narcotics and pornography. Books and newspapers are not censored, and films, songs, and plays are no longer reviewed for political content. Prescreening reviews of films and television programming continue but only for determining the acceptable viewing age.

b. Freedom of Peaceful Assembly and Association

The Constitution guarantees the right to peaceful assembly, and the right is observed. Although permits must be obtained for outdoor public, political or labor meetings they are normally freely given.

Labor has the right to organize and to meet freely; labor unions are legally mandated under the code of labor laws to represent workers. Although the labor code makes no provision for a central or umbrella labor organization, two rival centrals have emerged. The founding of a third was announced in September 1985. The Government has not officially

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recognized their right to function but engages in regular dialogue with central leaders. To maintain the official labor structure, workers are taxed 1 day's pay per year, a sum which is paid to the Government and then divided among confederations, federations, and local unions. Perhaps 10 to 15 percent of workers voluntarily pay union dues in addition to the mandatory tax. Most of these voluntary members join more for family health benefits than for representation regarding wages or working conditions. Although unions are legally prohibited from participating in partisan politics, a number do but with little impact to date.

The Government has not acted to prohibit strikes, even though existing legislation makes strikes all but illegal and has not enforced other restrictions on labor unions. In addition, the Government has reinstated the right of all labor leaders to hold union office.

Employers have a legally mandated structure which parallels that of labor, and there are also voluntary employer organizations not mandated by law. Both types of associations represent their members to the Government, act as lobbyists, and negotiate collective bargaining agreements with labor unions.

Unions of workers and employers may maintain ties with international organizations, but each affiliation has to be approved by the President of Brazil and, because of exchange controls, the transfer of funds to pay membership charges has to pass through the Central Bank. The President and Central Bank have a number of applications pending for association and transfer of funds.

c. Freedom of Religion

There is no favored or state religion. An overwhelming majority of Brazilians belong to the Roman Catholic Church. All faiths are free to proselytize, establish places of worship, and train clergy. According to the National Council of Brazilian Bishops (CNBB), missionaries and other foreign religious visitors have had difficulty entering Brazil in recent years due to the passage of a new immigration law in 1980. The CNBB does not believe that missionaries and religious visitors are being singled out, but rather that all foreigners are equally affected. Plans to revise the immigration law have been announced by the Government. The Catholic Church continued its political and social activism during 1985, with no government intervention.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on movement within Brazil, nor are there any unusual restrictions on emigration. Brazil admits few immigrants, basing its decision on its ability to absorb newcomers, cultural affinity and proximity of the applicant's homeland. Brazil is selective in granting asylum, and precise criteria do not exist.

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

On March 15, 1985, Brazil's first civilian president in 21 years was inaugurated. With the acquiescence of military

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leaders, two civilian presidential candidates were chosen, one a former governor of Sao Paulo with close ties to the military-dominated Government, and the other a long-time civilian opposition leader. The opposition leader, Tancredo Neves, was chosen as President in indirect elections in January by an electoral college composed of the Federal Congress and six representatives of each state legislature. His running mate, Jose Sarney, former President of the government party and long-time civilian politician, was elected Vice President. Although efforts to establish direct presidential elections failed, the indirect election of Neves through the electoral college was widely hailed as a complete return to civilian democracy. Neves was hospitalized for emergency abdominal surgery on the eve of his inauguration, and Sarney became interim president. Subsequently, Neves died, and Sarney was confirmed with full presidential authority.

Although the military-inspired 1967 Constitution concentrates effective political power in the Presidency, Sarney has followed a more consensual style of government. The President's constitutional powers include the right to issue decree-laws in a number of key areas and, in the event of an outbreak of war or threat of serious disturbances, to decree a state of siege which permits suspension of many civil rights. The Federal Congress, with the support of the Presidency, in May passed constitutional amendments removing numerous authoritarian restrictions. The major changes provided for direct presidential elections, direct elections of mayors in all cities (mayors of state capitals and of cities in national security areas had previously been appointed by state governors), enfranchisement of illiterates (approximately 25 percent of the adult population), and liberalized political party registration. Liberalization of party registration has resulted in legalization of two Communist parties and increased the total number of political parties to 30, representing the entire political spectrum.

The direct election of Federal Congressmen and Senators in November 1982 produced a popularly representative congress with direct influence in the decisionmaking process. Congress now exercises a larger role than it has for the past 2 decades. A new constitution will be drafted by a constituent assembly in 1987. It is expected that membership in the constituent assembly will be the same as that of the Federal Congress which will convene after the November 1986 elections. Those elections will fill all seats in the Chamber of Deputies and two-thirds of those in the Senate. State governors have been directly elected since 1982, as have all municipal, state, and most federal legislators. (There are still a few nonelected federal senators who were appointed before 1982.) As of the November 1985 mayoral elections, all mayors are now directly elected. Voting is secret and mandatory for all adults.

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

There were no outside requests in 1985 from international human rights organizations to investigate conditions in Brazil.

There are a number of Brazilian nongovernmental organizations, such as the National Bar Association and the Brazilian Press

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Association, which are active in investigating alleged human rights violations and in initiating legal proceedings. Amnesty International maintains offices in Rio and Sao Paulo. There have been no claims by any of these organizations that the Government has tried to impede their investigations. There is a consensus among human rights observers in Brazil that the human rights situation has improved dramatically over the past several years. They believe that the main problems now concern police behavior toward suspects, prison conditions, and certain economic rights. The Federal Solicitor-General in 1985 designated a Federal Prosecutor in each state to monitor and assist in denunciations of violations of human rights.

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

In 1984, Brazil's population of approximately 135 million grew at the rate of 2.5 to 3 percent. The gross domestic product rose by approximately 4.5 percent, after 3 consecutive years of economic recession. GNP per capita at the end of 1983 was US\$1,880 (World Bank estimate), more than 10 percent less than that of 1980. (Brazilian Government figures show a 1983 GNP per capita of US\$1,628.) Continued rapid expansion of exports produced a 13 billion trade surplus in 1984. Economic growth continued in 1985, with GNP up by between 6 and 7 percent. The 1985 trade surplus is expected to be about \$12 billion. Expansion in 1985 has brought real wage increases and some reduction in the rate of unemployment. However, persistent high inflation (surpassing 200 percent annually since 1983), rapid demographic growth, and the pressures of Brazil's high debt service will continue to limit improvements in living standards.

Although evidence suggests that all social strata benefited from the country's economic growth during the 1970's, uneven income distribution was exacerbated and remains a serious social concern. Brazil continues to have a large rural-to-urban migration. Seventy percent of the population lives within 100 kilometers of the coast, and nearly 30 percent are concentrated in nine urban areas. The Government encourages settlement in the western frontier areas.

Life expectancy at birth is estimated at 65 years, and infant mortality 65 per 1,000 live births. However, officials in several northeastern states estimate their infant mortality rates at well over 200, primarily due to the area's chronic poverty and substandard health facilities. Health personnel and health facilities are concentrated in urban areas. Significant portions of the society lack adequate nutrition, basic education, and medical care. An estimated 29 percent of the population lacks access to safe water. Illustrative of these problems are the findings of a 1980 Brazilian congressional inquiry which indicated that Brazil has 2 million abandoned children and 18 to 25 million children without the basic necessities of life. The Ministry of Education estimates that some 7 million school-age children are not enrolled in the educational system. Government figures show that 21 percent of the economically active population has less than 2 years of education. Official figures indicated that in 1980 16 percent of the urban population over age 10 was illiterate, as was 46 percent of the same segment of the rural population.

Minimum age for employment is 12, but numerous legal restrictions theoretically apply to all working minors (those

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under age 18). Permission of parents or guardians is legally required for minors to work. Children from 12 to 14 are legally allowed to work only if provision is made for them to attend school through completion of primary education, and only in light work that does not constitute a physical strain. All minors face restrictions in night employment and are prohibited from employment in unhealthy, dangerous, or morally injurious conditions. These laws do not extend to the types of occasional employment performed by millions of children and adolescents. Thirty-four percent of all children between 10 and 14 are considered economically active, and 65 percent of Brazilians between 15 and 17 are employed. Brazil has a highly codified system of labor regulations, providing restrictions concerning workplace safety, a 48-hour maximum work week, specified periods of rest and vacation, and a standardized minimum wage. Official accident figures show an annual injury rate of approximately 4 percent, with 4,500 workplace deaths for 25 million insured workers. Regulations concerning workplace safety are detailed, but enforcement suffers from an inadequate inspection staff.

The minimum wage, which is defined as that "able to satisfy the normal necessities of the worker and his family," averages approximately \$50 per month; its purchasing power fluctuates considerably because it is raised only twice a year despite high inflation. An interunion statistical organization calculates that the minimum necessary for a decent standard of living for a family is 3 to 4 times greater than the official minimum salary. In 1983, 43 percent of those economically active earned less than one minimum salary; only 30 percent of all workers earned more than three minimum salaries.

Discrimination on the basis of sex and race is illegal. Nevertheless, the number of women and members of most minority groups in the governing structure is much smaller than their proportional share of the population, a reflection of prevailing cultural attitudes and economic disparities. Women are proportionally represented among university students.

The country's estimated 200,000 Indians, living mostly in the interior, have suffered in recent decades from population movements by Non-Indians into frontier areas where most Indians live. Despite the Government's commitment under the 1973 Indian Statute to protect the Indian population and efforts of the Federal Indian Affairs Agency to demarcate tribal lands, the Indian population continues to suffer from governmental neglect, discriminatory governmental controls, and unequal legal status.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: BRAZIL	1983	1984	1985
I.ECON. ASSIST.-TOTAL...	0.4	0.0	0.8
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.4	0.0	0.8
A.AID	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.1	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN \$-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.1	0.0	0.0
E.RELIEF.EC.DEV & WFP.	0.1	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.3	0.0	0.8
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.3	0.0	0.8
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.3	0.0	0.8
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	0.4	0.0	0.8
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.4	0.0	0.8
OTHER US LOANS.....	30.3	28.5	0.0
EX-IM BANK LOANS.....	29.3	28.5	0.0
ALL OTHER.....	1.0	0.0	0.0
ASSISTANCE FROM INTERNATIONAL AGENCIES			
	1983	1984	1985
TOTAL.....	1807.0	2192.3	2010.1
IBRD.....	1457.5	1604.3	1523.0
IFC.....	77.5	61.2	44.6
IDA.....	0.0	0.0	0.0
IOB.....	269.5	524.6	442.5
ADB.....	0.0	0.0	0.0
AFDB.....	0.0	0.0	0.0
UNDP.....	2.0	0.0	0.0
OTHER-UN.....	0.5	2.7	0.0
EEC.....	0.0	0.0	0.0
	1946-85		
TOTAL.....			17405.5
IBRD.....			11424.4
IFC.....			1121.8
IDA.....			0.0
IOB.....			4750.0
ADB.....			0.0
AFDB.....			0.0
UNDP.....			87.6
OTHER-UN.....			21.7
EEC.....			0.0

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Chile has been ruled by the military since a coup in 1973 interrupted a forty-two year period of democratic government. Since independence in 1810, Chile has experienced periods of authoritarian regimes, but parliamentary rule under a democratic system of elections and respect for political and human rights generally prevailed. The current Government includes both civilian and military officials and operates under the Constitution adopted by plebiscite in 1980. A military junta exercises limited legislative functions, and a separate judicial branch carries out judicial duties, but primary authority resides with the Commanding General of the Army and President, Augusto Pinochet. Under the 1980 Constitution, President Pinochet's term of office expires in 1989, when a plebiscite will be held on a presidential candidate to be selected by the military commanders in chief. There are no constitutional restrictions on President Pinochet's being that candidate. If approved, the Junta candidate would serve until 1997. If rejected, open and direct presidential elections would be held within one year. The Constitution also provides that the junta will continue to serve until congressional elections are held in 1990. In August eleven democratic political parties came together in a "National Accord for a Transition to Full Democracy" but the Government has refused to agree to a dialogue on the moderate proposals for a democratic transition contained in this Accord.

Chile has a vigorous private sector, an economic system based largely on the free enterprise system, and social programs which absorb over half the government budget. The steep decline in Chile's terms of trade since 1970, compounded by one of the region's highest per capita levels of debt, has not allowed Chile to benefit as much as might be expected from the Government's generally responsible economic policies.

Most fundamental political freedoms are severely limited, and human rights conditions are strongly affected by the lack of progress toward a transition to democracy and by terrorist violence. While the military has indicated an intention to carry out the provisions of the 1980 Constitution, political parties function without the protections of legal status and electoral laws have not been established. Rights of private property, freedom of religion and minority rights are respected, but "states of exception" to constitutional guarantees imposed severe restrictions during 1985 on freedom of association and assembly, freedom from arbitrary arrest and exile, and freedom of speech and the press.

The Government has maintained significant discretionary authority by use of one or more of the four states of exception provided for under the transitory articles of the 1980 Constitution which progressively limit civil liberties otherwise provided for by the Constitution. All four may be in force concurrently, but the most restrictive state of exception, the State of Assembly, has never been implemented by the Government. For most of the first six months of 1985 the country was under a State of Siege which expanded jurisdiction of military courts and permitted the Government to "suspend" the right of freedom of information. Removal of the State of Siege on June 17 partially restored freedoms of speech, assembly, association and the press and increased the authority of the courts, which during 1985 showed independence and diligence in investigating several important cases of major human rights violations involving the security forces.

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However, there remained in effect throughout 1985 a State of Emergency and State of Danger of Disturbance of Internal Peace under which the Government maintained authority to detain individuals up to twenty days without judicial review, to expel individuals, to assign enforced residence for ninety days, and to restrict the right of assembly and freedom of information. The existence of these provisions engender a large degree of uncertainty among Chileans. The Government authorized several hundred additional exiles to return to Chile in 1985 and permitted the UN Special Rapporteur on the situation of human rights in Chile to visit in December.

Reliable and documented reports of torture and mistreatment of those detained by the authorities continue to be received by human rights organizations, and there was an increase in charges by human rights groups and government opponents of temporary kidnappings, beatings and torture by persons frequently reported to be agents of the security forces. There continued to be a high level of far left terrorism, to which was attributed the murders of military and police officers and civilians, as well as the bombing of installations identified with the Chilean Government or the United States, such as Mormon churches, U.S.-owned companies and binational centers.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

A total of 72 persons were killed and many others injured in apparently politically-related acts of violence in 1985. The deaths and injuries resulted from both deliberate and random actions by government forces and by left and right-wing terrorists. The following paragraphs illustrate some of the specific instances.

A student under detention in February by the Carabineros (uniformed police) in the town of Quintero, after having been arrested for possible involvement in a terrorist school, died from mistreatment. Three individuals associated with the Chilean Communist Party were kidnapped from a public Santiago street in March by unidentified civilians, and their bodies were discovered with throats cut the following day in a field outside of Santiago. In April a university student demonstrator died after having been shot by Carabineros while distributing leaflets. Terrorist actions killed three women in two separate bomb attacks against city office buildings in the towns of Lo Prado and Conchalí in May. A terrorist car bomb exploded across the street from the U.S. Consulate in Santiago in July, killing a passerby. Five civilians died in November as the result of a terrorist fire bomb attack against a supermarket in Vina del Mar.

Demonstrations in early September associated with the traditional date of presidential elections (September 4) and the anniversary of the 1973 overthrow of the Allende government (September 11), deteriorated into several days of violent, scattered clashes between demonstrators and the authorities. Ten people were killed during these clashes, several under unclear circumstances in which armed civilians,

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driving vehicles without license plates, were reportedly shooting people at random in areas where violent clashes had occurred.

The Manuel Rodriguez Patriotic Front, which is linked to the Chilean Communist Party, and the Movement of the Revolutionary Left, another leftist terrorist group, continued to pursue a policy of violent confrontation with the military Government both during the State of Siege and after its removal, rejecting efforts by democratic sectors to encourage a peaceful transition to democracy. There were 936 separate terrorist bombing attacks throughout the nation, leaving 451 persons killed and injured during the first eleven months of the year. There is considerable evidence of Soviet, Cuban, Nicaraguan, Libyan, and East European training and other support for the terrorist groups.

b. Disappearances

There were no substantiated reports of disappearances during 1985.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and police brutality continue to be serious problems. At least four people died in 1985 apparently as a result of mistreatment while in the custody of the authorities. The Chilean Medical Association continues to investigate cases of doctors who are reported to have been involved in torture, and in August 1985 suspended an army physician for his indirect support in the mistreatment of a young woman detained by the National Information Center (CNI) in 1982.

The Constitution prohibits "use of all illegal pressure" and "guarantees to all persons the right to life and to the physical and psychological integrity of the individual." Government officials deny that use of torture is authorized and note that members of the uniformed services are being investigated by the civilian and military judiciary systems for their possible involvement in deaths due to apparent mistreatment. At the end of 1985 two Carabinero officers were still in custody pending the results of a judicial investigation into the death of a 19-year old student in February under detention by Carabineros. Five Carabinero members have been implicated in the May 26, 1985 death of a young man who had earlier been arrested for driving under the influence of alcohol. Other cases of official mistreatment continue under investigation by the courts. At the end of 1985, five Carabinero officials, including two colonels, remained under detention in connection with the judicial investigation of the March 1985 murders of three Communist party leaders.

Government officials have stated on several occasions that all cases in which complaints have been registered over abuse or torture by the authorities are investigated, and have declared that officials found to have participated in abuses are brought to justice. Human rights groups assert that many of these complaints are not actively investigated, but note that during the latter half of 1985 the courts have pursued more such cases than in the past. In July 1985 the Chilean Interior Minister and Minister of Defense issued a directive

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to all security forces prohibiting the mistreatment of prisoners, but there were credible reports of new cases of torture subsequent to this order.

Accusations of torture declined in the second half of 1985 but there was a marked increase in the number of reports of people being temporarily detained or kidnapped by unknown individuals and of being physically abused while held. In 1985 there were 564 reports of such kidnapping incidents having occurred, as compared to 402 in 1984 and 212 in 1983. Most victims, which include students, professionals, lower-level political activists or their families, journalists, and social workers, claimed to have suffered physical and mental abuse, including in some instances rape. Some also suffered superficial knife wounds in the shape of a cross. Several victims were subjected to more than one assault, with one 18-year old student alleging to have been assaulted on three different occasions. The reasons for such assaults are not given. Most appear to be attempts to intimidate those involved in human rights organizations, church-based community organizations, or political activities.

In 1985, 84 persons filed complaints in court alleging torture or cruel and unusual punishment by security forces compared with a total of 84 in 1984, 77 in 1983, 57 in 1982, 68 in 1981, and 100 in 1980. Most of these individuals state that they were subjected to beatings, electric shocks, or threats, particularly during the first days of detention. In 1985 an increasing number of incidents of physical abuse took place while the person was held by unidentified assailants. While the Chilean courts have been investigating several torture cases in 1985, as of the end of the year no security personnel had been found guilty in any of these cases.

U.S. consular officials have received complaints from several U.S. citizens who were detained in Chile of torture or threats of torture, always within the first few days following their detention, and prior to notification of the U.S. Embassy and the initial visit from a U.S. consular official. There have been no reports from U.S. citizens of torture or threats of torture subsequent to that initial visit.

Although the Government asserts that security and military forces are under strict control, reports of incidents of deliberate and random police brutality continued throughout 1985. While most detainees do not file formal claims of mistreatment, some persons detained during protest demonstrations or on other political grounds have complained of being beaten or otherwise mistreated. Observers note, however, that in the final six months of 1985 the uniformed security forces used considerably less violent means of controlling demonstrators.

Since January 1981, all persons officially charged with or convicted of violations of internal security laws have been lodged in the same penal facilities as other offenders. They have rights of visitation and communication with family, friends, legal counsel, and representatives of the International Committee of the Red Cross. These rights are subject to limitation by Transitory Article 24 of the 1980 Constitution, which restricts visitation rights in the first days of detention before prisoners are remanded to the court system.

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d. Arbitrary Arrest, Detention, or Exile

Among the more serious areas of human rights violations in Chile has been the continued use of arbitrary arrests, detentions and internal exile. Under the State of Siege massive police round-ups and collective arrests took place with some frequency; 764 were detained in 1985 in such operations before June. After the lifting of the State of Siege, massive police round-ups no longer occurred, but since June at least 4,007 persons were temporarily detained for participating in unauthorized demonstrations. Of the 5,401 people detained for investigation in 1985, either individually or as members of large groups, 310 were eventually charged before the courts for a variety of security law violations, and 32 were held on unspecified terrorist charges.

Transitory Article 24 of the 1980 Constitution, under which the Government may order detention of five days without rights of Amparo or for as much as 20 days in cases where terrorist acts may be involved, was in effect throughout 1985. Prisoners were often held incommunicado during the initial period of investigation. Once formal charges are issued and the case brought before the court system, defendants are allowed a lawyer of their own choosing; lawyers affiliated with human rights groups are made readily available by those groups without charge. However, many of those held under this Article are never charged with any specific violations. For example, in September, after several days of sporadic clashes between the authorities and demonstrators, 64 people were detained in early morning raids on their residences. After 10 days of detention, 34 were banished for 90 days to remote sites in Chile. The others were released to return home. No trials were held, no charges were made and those banished were not provided with the reasons for this decision.

Chilean law stipulates that those banished be sent to urban areas. Members of the September group banished were generally sent to towns of five thousand or less (with several going to towns of 500 or less). While living in these locations, the banished people must report at least daily to the local carabinero police station. Areas where those banished are sent include desert and mountain regions.

The Government has continued to reduce the list of those exiled from Chile. In September 1984 the Government published an official list containing 4,942 names of individuals not permitted to return to Chile. By September 1985 this list had been reduced to 3,878 names and in December another 30 exiles were removed from the list. The list is determined by administrative decree and is not subject to judicial review. According to government officials, approximately 800 of nearly 7,000 exiles authorized to return to Chile since 1983 have actually re-entered Chile, the rest remaining abroad. There were reports in 1985 that some exiles not on the official list were nonetheless not permitted to return to Chile; however, no evidence of such a "secret" list has been found. In 1985 no individuals were exiled by judicial decision or under Transitory Article 24. By way of comparison, in 1984 eight were externally exiled by judicial decisions and another eight were exiled under Article 24. In 1985, 168 persons were internally exiled for up to three months by administrative order under Transitory Article 24 not subject to judicial review (compared to 727 in 1984 and 127 in 1983). At the end of 1985, there were 29 people under internal banishment

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orders; they will complete their 90-day sentence in early February 1986. Most were sent to distant villages as punishment for political activities or because they were regarded by authorities to be habitual offenders. In 1985 no one was sent into internal exile judicially, compared to 5 such cases in 1984.

Forced or compulsory labor is prohibited, and there have been no complaints on this issue since the mid-1970's.

e. Right of Fair Public Trial

The right to a fair public trial remained limited throughout 1985, particularly for those detained under Transitory Article 24. First-instance jurisdiction for the prosecution of proscribed political activities lies with regular civilian courts. Chile's civilian judges are career officials and most served in the judiciary before the present Government took power in 1973. As in most civil law systems, trial is not by jury, and reliance is on the written record rather than oral testimony; and the judge directs the investigation and finally decides innocence or guilt. There is a well-developed multi-stage appeal process leading ultimately to the Supreme Court, but defendants detained under the authority of Transitory Article 24 do not enjoy full legal rights, such as right to legal counsel of their choice, or to the normal appeals system. As in 1984, in 1985 there were fewer accusations than in past years that judges failed to investigate vigorously charges of government abuses. Judicial investigations are proceeding in a number of human rights cases from 1985 and earlier years, including the 1976 disappearance of 13 people.

Weapons violations, which often are the basis of charges against terrorists, are tried before a military court. Appeals may be made to a military court of two civilian judges and three professional military judges and, in the last resort, to the entire civilian Supreme Court.

In March the Military Judge for Santiago issued a decision that the Council of War Tribunals established under a special decree of 1981 had been, in effect, abolished by the anti-terrorist law of May 1984. The Council of War Tribunals, which were to act only under exceptional conditions (such as during a State of Siege), had been empowered to hand down a sentence of either death or life imprisonment, with the right of appeal only to the President. The military judge's decision moved all cases involving terrorist acts or weapons to the normal military judicial system, which has very limited authority to impose the death penalty or life imprisonment and provides all the normal recourse to appeal available to any other defendant.

In October the Supreme Court held that a civilian judge could continue an investigation into the March deaths of three individuals, after preliminary investigations had shown that several Carabinero officials might be implicated in these deaths. Military courts previously had shown reluctance to allow civilian courts to try military personnel, but in this instance the chief of the military tribunal in Santiago refused to accept the cases and turned them over to the civilian investigating judge, setting the stage for the Supreme Court's decision.

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At the end of 1985, the Vicariate of Solidarity, the Catholic Church's human rights office, which has provided objective reports on human rights concerns, reported that 1,070 persons in Chile faced prosecution or were convicted and imprisoned for politically motivated acts, some of which were violent. Of these individuals, as of December 1985: 267 were in jail awaiting trial; 43 were serving sentences after convictions; 672 individuals were free on bail while awaiting trial; 74 were serving sentences outside of prison on parole; 3 were serving sentences in exile, and 11 were considered as fugitives.

f. *Arbitrary Interference with Privacy, Family, Home or Correspondence*

Searches of the home and interception of private verbal or written communications are permitted by the 1980 Constitution, provided that search warrants are issued by either a civilian or military court for specific locations. Wiretapping is also permitted subject to issuance of a judicial order. The 1984 anti-terrorist law provides legal authority for surveillance of those advocating political views contrary to the 1980 Constitution and for interception, opening or recording of private communications and documents as well as the surveillance of individuals suspected of terrorist crimes. In 1985 searches of homes were carried out under general warrants issued by civilian or military courts. There were reports that security forces did not always comply with the legal requirements for search warrants or judicial orders.

Section 2 *Respect for Civil Rights, Including:*

a. *Freedom of Speech and Press*

The 1980 Constitution guarantees freedom of expression and of the press. There are no constitutional provisions for official censorship although new periodicals must have government approval to begin operations. Nevertheless, in 1985 the Government exercised considerable control over the media under the authority of Transitory Article 24 and the two states of exception concurrently in force throughout the year, and particularly during the six months the State of Siege was in effect. Under the State of Emergency, the President is empowered to restrict the freedom of information and opinion. Under the State of Siege, he may suspend or restrict the exercise of the right of assembly, freedom of information, freedom of opinion, the functions of trade unions, and censor mail and other communications. While free speech is normally respected for private conversations in Chile, human rights groups assert that extensive monitoring of mail and telephonic communications is conducted by the government security services.

In addition, since 1973, the Government has formally and informally advised print, radio and television of acceptable norms of coverage for domestic developments. Self-censorship is practiced by the media, with most editors adopting a cautious approach in formulating commentary. Several major media companies are seriously in debt to government financial institutions, which provides potential economic leverage to the Government over news reporting and editorial content.

The lifting of the State of Siege in mid-1985 brought significant improvements in the area of freedom of the press.

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Although the Government still had broad authority under the states of exception which remained in force, after mid-June that authority was generally exercised with restraint. Opposition magazines resumed publication. Editors were no longer required to submit their copy to government censors for clearance prior to publication. The Government, however, continued to take legal actions against some members of opposition magazines accused of violations of security laws. For example, the director of the magazine Mensaje, Jesuit priest Renato Hevia, was detained for two weeks in December for writing editorials which allegedly libeled government officials. Radio and television programs featuring political debates appeared regularly in the latter half of 1985. Media coverage of political, terrorist and criminal activities increased substantially and political gossip columns again were in evidence. However, at least two newspaper columnists were told during 1985 that their contributions were no longer welcome because of offense given to the Government. Even after the State of Siege was lifted, several publications faced prosecution because of charges of violating restrictions on press activities.

b. Freedom of Peaceful Assembly and Association

Freedom of peaceful assembly and association continued to be restricted in 1985. The states of exception to the basic rights provided in the Constitution placed severe restrictions on those seeking to redress grievances against the Government by means of peaceful demonstrations or public meetings. Leaders of opposition groups and trade union organizations were arrested for holding, instigating or organizing unauthorized demonstrations. The states of exception to the Constitution generally have not interfered with other activities, including elections, of most trade unions and professional associations. Under State of Siege provisions, but not the State of Emergency, the Government was empowered to restrict the exercise of the rights of association and trade union organization.

Permission for public rallies must be sought from the authorities at least five days in advance and is obtained only by those organizations or groups which have legal status (personeria juridica). Political parties and some national trade union organizations are not now authorized under the law, so they are unable to demonstrate this legal status. Those who organize or call for unauthorized demonstrations are subject to arrest and prosecution, as happened in the case of trade union, neighborhood committee, and student organization leaders arrested in connection with the September protests. Most of those arrested in this case were soon released and the charges against student leaders were dropped, but several of the union and neighborhood association leaders remained in prison until December 1985, when all were released provisionally pending the results of a judicial investigation.

The Government authorized the Democratic Alliance, which groups together several moderate democratic political parties, to hold a public rally in Santiago on November 21. In the largest public meeting since 1973, thousands of Chileans demonstrated peacefully at the rally, urging a return to democracy. The Government permitted purchase of radio and television time to advertise the protest, which received national television coverage. The Government subsequently

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denied the Democratic Alliance permission to hold other protests in the cities of Antofagasta and Puerto Montt, citing terrorist threats.

Legally recognized unions do not need to seek government permission to hold union meetings or conferences and in 1985 carried out collective bargaining, strikes, and internal union elections. Some trade unions have had their premises searched, usually after union leaders have been detained for participating in illegal demonstrations. In 1985 there were reports that individual labor leaders were dismissed under circumstances suggesting that they lost their jobs because of criticism of management or of the Government.

Trade union leaders and some industrial relations analysts continue to hold that the decree-laws known as the "Labor Plan" unduly restrict the rights of organized labor. Under the Labor Plan, workers at units employing 25 or more individuals can form a union by majority vote and elect their officers from among their co-workers. Government recognition is easily and quickly obtained. Officers of trade union organizations (including federations and confederations) must remain employed in their jobs in plants represented by their unions but are legally entitled to specified paid time off for their union work. Trade union leaders maintain that the Labor Plan restricts the development of strong, independent unions by permitting collective bargaining at the plant level only; by allowing the development of national federations or confederations on an industry-wide basis only; by limiting the right to strike to 60 days; and by allowing management to hire strikebreakers while a legal strike or collective bargaining is taking place. Limiting collective bargaining to the plant level, they say, prevents the unions from coordinating collective bargaining goals and objectives on a national scale.

The right to strike is prohibited in designated strategic industries, primarily the public utilities, government copper mines, and the petroleum industry. For these companies, failure to reach agreement during negotiations leads to binding arbitration.

In 1981 the labor courts were incorporated into the normal judicial system, but there have been complaints from labor and management that the system does not work well. During 1985 progress was made towards re-establishing separate labor courts, and final action is expected in early 1986.

Government employees are allowed to form associations but not unions. Public employees do not have the right to bargain collectively or to strike. Professional groups and associations have not been limited by recent decree laws which are aimed at eliminating closed-shop type compulsory licensing privileges.

Labor unions are permitted to maintain relations with non-Marxist international labor bodies in their fields. Chilean worker delegates participating in conferences of the International Labor Organization (ILO), have had their credentials challenged by other Chilean labor groups. The ILO's Credentials Committee has urged the government of Chile to consult with all major trade union confederations in Chile without exception. There were no new complaints filed in 1985 in the ILO against the Government concerning violations of ILO conventions relating to freedom of association, employment,

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forced labor, and unemployment policies. There were, however, additional complaints filed against Chile with the ILO related to violations by the government of trade union rights during the State of Siege.

Organized labor continued to press for a full investigation of the 1982 murder of labor leader Tucapel Jimenez, who had tried to establish a national union. There were reports in 1983 of evidence implicating persons associated with the National Information Center (CNI) in this murder. In September 1985, however, the investigating judge suspended further consideration of the case due to the absence of new developments. This decision may be appealed, but prospects for pursuing the investigation appear to depend on developing new evidence.

c. Freedom of Religion

The Constitution guarantees absolute freedom of religion. Although Chile is predominantly Roman Catholic, there are no restrictions on freedom of religion and no official discrimination is practiced against any religious group. A number of Protestant denominations and other groups are active and report full freedom and tolerance, as does the Jewish community. Religious belief and adherence appear to have no effect on acceptability for government positions in Chile.

Nonetheless, the political violence apparent in other sectors of Chilean society has affected religious institutions as well. During 1985 the Catholic Church, which has played a major role in attempting to encourage dialogue between the democratic political groups and the Government, has been subjected to politically motivated attacks, generally by unidentified groups. Such assaults have affected Church property, officials, and lay workers associated with various activities, including the human rights arm of the Church, the Vicariate of Solidarity. Churches have been bombed or attacked with gunfire, priests physically attacked or threatened with death, lay workers kidnapped and mistreated, church offices broken into and files relating to church work stolen, and anonymous letters and phone calls received containing various threats against church officials or priests. According to some of the victims of these actions, they are often questioned by their assailants concerning their work with church groups and the activities of various priests or church organizations. Responsibility for these attacks is difficult to place, but some appear to be the work of a right-wing terrorist group called the Chilean Anti-Communist Action (Accion Chilena Anticomunista). Reportedly this terrorist organization was formed in 1946 to halt the spread of Communism to Chile, and was organized along military lines. Some human rights groups have asserted that government security forces are responsible for at least some of these assaults.

During 1985, there were at least fourteen bomb attacks against the Mormon Church, particularly against church buildings. Left wing terrorist groups have claimed responsibility for such attacks, which appear to be motivated by the views of leftists extremists identifying the Mormon Church with both the Chilean Government and the United States. No foreign priests were expelled from Chile during 1985, but several were detained for short periods for involvement in protest demonstrations against the Government.

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d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Chileans have full constitutional freedom to move about within or to leave their country. As many as one million Chileans live abroad, principally for economic reasons. Most of them have resided for many years in Argentina. In the judgment of international organizations dealing with migrants, the volume of skilled and unskilled workers returning to Chile now roughly equals the number leaving. Most of the current emigrants seem to be motivated by economic rather than political factors, and no impediments have been placed in the way of their return. There have been no complaints concerning the treatment of either political or economic repatriates.

Chile has accepted a few refugees from other countries in recent years and makes regular, modest financial contributions to international organizations aiding refugees.

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

Under the Constitution, a plebiscite is to be held before March 1989 to accept or reject a candidate for president to be chosen by the military junta. If approved, he will serve until 1997; if rejected, there will be open presidential elections one year later. Congressional elections are scheduled no later than early 1990. Once a Congress takes office in 1990, the military junta will be abolished. Until then, the junta exercises legislative authority, subject to presidential approval.

The Government has stated its intention to carry out the provisions of the Constitution. In spite of extensive discussion and study, no progress was made in 1985 in legalizing political parties, establishing the electoral law governing elections or reestablishing electoral registers. The junta did promulgate an electoral court law on November 15, after revising it to conform with the ruling of the Constitutional Tribunal which declared an earlier version of the law unconstitutional. According to the 1980 Constitution, any plebiscite to change the Constitution can be held only after publication of a new electoral law, which would also require reestablishment of electoral registers.

The Tribunal had held on September 24 that the 1980 Constitution requires the functioning of an independent electoral court in time to supervise any plebiscite called during the transition period, including the presidential plebiscite of 1989. Some democratic opposition leaders have noted that this decision should assist in establishing standards for legitimate elections, including open access to the media, free expression of public opinions, and the absence of political, social and economic pressures restricting a free choice among alternatives.

The political opposition rejects significant elements of the 1980 Constitution, including the provisions related to presidential and congressional elections, the powers of the presidency and military embodied in the Constitution, and restrictions on civil liberties, among others. Opposition political parties consider the 1980 Constitution undemocratic. Democratic opposition parties want the Constitution revised or replaced in a process of negotiations

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with the Government, while undemocratic leftist parties, particularly the Communist Party, a faction of the Socialist Party and the terrorist Revolutionary Movement of the Left (MIR) seek the complete overthrow of the Government, the dismantling of the armed forces and the establishment of a Marxist regime. Since the State of Siege was lifted in mid-June, opposition groups have participated in demonstrations related to the general theme of a return to elected civilian government.

Eleven democratic opposition groups organized in a loose coalition signed a "National Accord for the Transition to Full Democracy" on August 26 and have joined leaders of the Catholic Church in urging the Government to begin serious dialogue on this accord. The National Accord document calls for an orderly transition to democratic rule through the restoration of political rights, free elections for the president and the entire congress, and a procedure to allow for amendment of the Constitution by plebiscite in case of a deadlock between the executive and legislative branches of the Government. The document, which was the result of intense negotiations under the auspices of the Archbishop of Santiago, states that political parties that do not respect democratic principles are to be banned by a proposed constitutional tribunal. Although there is disagreement among Accord members regarding interpretation of several clauses, the National Accord implicitly accepts the 1980 Constitution if the present Government is willing to modify it in accordance with the principles set forth in the Accord.

In its initial response, the Government noted certain positive elements in the Accord, but demanded greater clarity on other points. In December, however, the Government virtually rejected the Accord, claiming that public statements by the Accord signers were contradictory with respect to certain points, such as recognition of the 1980 Constitution, a clear position on the political proscription of Communists, unrestricted respect for private property, and a rejection of violence. The Government has not agreed to hold a dialogue with the democratic opposition.

Political parties continue to be proscribed by law but function in an open manner, particularly since the State of Siege ended. The views and opinions of political leaders, including Communists, are published in the media, especially their comments on the National Accord.

University students continued their political activities in 1985, holding elections for a number of student federations at the end of October. Student demonstrations occurred in September and October on a number of campuses, often involving confrontations between demonstrators and the authorities, as student groups sought to reduce government control over the universities.

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

The Government announced on October 18 that it was authorizing a visit to Chile by the United Nations Human Rights Commission's Special Rapporteur, the result of the first official and formal contact with the UNHRC since 1979. The

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Special Rapporteur was provided complete freedom to meet with all those concerned with human rights during his visit to Chile in December.

The Government continues to refuse to cooperate with the Inter-American Human Rights Commission and has denied permission for the Commission to enter Chile. A Commission report on Chile published in September, which covers the human rights situation from 1973 to 1985, was rejected by the Government as being biased and inconsistent with the Commission's mandate. Human rights groups welcomed the report, terming it the most detailed report ever on the human rights situation in Chile.

Visits and investigations by private international human rights groups continued to be allowed by the Government. Representatives of the International Committee of the Red Cross regularly visit Chile to check on prison conditions. The American Committee for Human Rights sent a mission to Chile in July to investigate the use of torture, the role of the medical community in torture, and the psychological impact of torture on the general population. The mission was undertaken at the invitation of the Medical Association of Chile and the Chilean Commission for Human Rights. Amnesty International issued a report on Chile in September in which it expressed concern over human rights abuses by armed groups, particularly the Chilean Anti-Communist Action Group. The National Academy of Science Committee on Human Rights and the American Psychological and Psychiatric Associations also sent fact-finding missions to Chile in 1985.

The Government contends that virtually all reports produced by foreign organizations deliberately distort the scope and volume of human rights abuses in Chile. Government spokesmen admit that there have been human rights violations by individuals in the security forces but claim that complaints concerning such violations are investigated and that legal actions are taken against those individuals who are found to be involved. Human rights organizations note that government investigations rarely lead to fixing responsibility for violations and extremely few members of the security forces have been punished despite a large number of documented abuses.

The Catholic Church since 1973 has taken the lead in defending human rights and supplying legal counsel to those accused of politically related crimes and to victims of human rights abuse. Its Vicariate of Solidarity monitors the human rights situation from church offices throughout Chile, has issued objective monthly reports on human rights violations and has protected and defended significant numbers of people since 1973. The church's activities have resulted in visible tensions between the Government and the church hierarchy. Some church activists and human rights lawyers have been threatened anonymously or have been the victims of intimidation attacks by unidentified individuals. A member of the Vicariate staff was one of those kidnaped and murdered in March.

The Chilean Commission for Human Rights, a private organization directed by opposition political party figures, has also publicized alleged abuses and spoken out strongly against them, as well as issuing monthly reports on the human rights situation. It has been allowed to maintain affiliations with international human rights groups, and has

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hosted visits by these groups to Chile. It devotes its efforts openly not only to human rights issues but also to political issues and to bringing about major changes in the nature of the Government. On November 29 two armed men broke into the offices of the Commission, and, after beating the caretaker, stole material related to the work of the Commission. There have been no arrests concerning this break-in. Human rights groups have expressed concern over the use of such methods of intimidation and believe that these assaults are an effort to terrorize those who work with or assist human rights and political organizations. Human rights groups are concerned that these incidents may mark the beginning of a "dirty war" by right-wing terrorist groups against those opposing the Government. Two of the victims of multiple assaults by unknown assailants departed Chile out of fear for their personal safety. Official investigations into such incidents have yet to produce arrests.

Amnesty International Report 1985, covering 1984 events, expressed concern about the long-standing pattern of human rights violations, including the detention of political prisoners and the torture of detainees.

Freedom House rated Chile "partly free."

ECONOMIC, SOCIAL AND CULTURAL SITUATION

Chile's population of 12.0 million grew at an annual rate of 1.8 percent in 1985. The per capita gross domestic product was \$1681.

Chile suffered a severe recession in 1982 and agreed to a two-year standby program with the International Monetary Fund in January 1983 to provide essential support for balance of payments purposes and orderly external debt servicing. A follow-up three-year IMF extended fund facility took effect in August 1985. The new program limits the government's ability to further stimulate the economy, and to counteract the social effects of high unemployment and underemployment.

Chile achieved a significant real GDP growth of 6.3 percent in 1984. Tighter fiscal and monetary policies led to a government-estimated GDP growth rate of 2 percent for 1985. According to Chilean Central Bank statistics for 1985, inflation in 1985 was 26.4 percent and real wages declined by 1.5 percent through October 31. Unemployment equaled 13 percent down from 14.0 percent at the end of 1984, with the unemployment rate in the Santiago metropolitan area 16.3 percent. Two government financed work projects aimed at unemployed people utilize 7.2 percent of the work force, and this number is often cited as the level of under employment in Chile.

In 1984, 61 percent of all central budget expenditures went to social services. The Government focuses its social programs on the 15 percent of the population living below the absolute poverty level. Health and nutrition programs in Chile are extensive. The infant mortality rate was 21.8 per 1,000 live births in 1985, and average life expectancy at birth was 70.6 years. In 1977, the caloric supply as a percentage of nutritional requirements was 105.4 percent. In 1980, 84 percent of the population had access to safe water. The primary school enrollment ratio was 148.2 percent in 1980 and the adult literacy rate increased to 94.5 percent in 1984.

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Child labor is regulated by law. Young people between the ages of 14 and 15 may only be employed with the permission of their parents or guardians and if they have completed their schooling, and then only in restricted types of labor. Those between the ages of 15 and 18 can be employed in a larger variety of labor, and at expanded hours of labor, but only with their parents' or guardians' permission.

Minimum wages, hours of work, and occupational safety and health are regulated by law, although there have been criticisms that the minimum wage has not been adjusted expeditiously to keep pace with inflation. The law permits the hiring of apprentices, but has been revised so that a "less than minimum" wage may not be paid. The laws covering child labor are not abused, but supervision over the compliance of these laws is difficult. Regulations covering the hours of work are widely publicized, and the need to pay overtime is generally acknowledged. Enforcement on compliance is difficult due to budgetary restraints; however, no industry stands out as an obvious violator of these employment standards. There are also complaints that occupational health and safety laws are not adequately enforced.

Legal distinctions between the sexes still exist. For example, the legal retirement age for women is five years lower than that for men. Married women may not conduct major commercial transactions unless a separation of goods contract is established at the time of the marriage, or through a subsequent special one-time authorization. Married women may not take children out of the country without the permission of the father. On the other hand, inheritance laws provide strong protection for wives and favor female over male heirs. Women now enjoy greater access to education and employment than in the past. In 1983, women made up 48.8 percent of the primary school enrollment, 50.5 percent of secondary school pupils and 40 percent of university students. In 1970, the last year for which a breakdown by sex is available, female literacy was 88.2 percent compared with 89.9 percent for males. Women have served in such important government positions as mayors, agency heads and ministers. Women enjoy good access to entry-level and mid-level professional jobs but do not hold a proportional number of upper-level positions.

Minority groups do not suffer any specific legal discriminations. The only significant minority group, the Mapuche Indians from the southern region of Chile, remains partly separated from the rest of the society due to historical, cultural, educational, and geographic factors rather than official policy. The Government has attempted to integrate this group through, among other things, division of communal lands into individual land holdings, which has caused resistance among some Mapuches. There were no reports of members of this group being singled out for detention or banishment due to their being Mapuche Indians.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: CHILE

	1983	1984	1985	
I.ECON. ASSIST.-TOTAL...	2.8	1.7	1.3	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	2.8	1.7	1.3	
A.AID	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0	
B.FOOD FOR PEACE.....	1.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	1.0	0.0	0.0	
TITLE I-TOTAL.....	0.0	0.0	0.0	
REPAY. IN \$-LOANS.....	0.0	0.0	0.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	1.0	0.0	0.0	
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0	
VOL.RELIEF AGENCY.....	1.0	0.0	0.0	
C.OTHER ECON. ASSIST....	1.8	1.7	1.3	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	1.8	1.7	1.3	
PEACE CORPS.....	0.0	0.0	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	1.8	1.7	1.3	
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
A.MAP GRANTS.....	0.0	0.0	0.0	
B.CREDIT FINANCING....	0.0	0.0	0.0	
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0	
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E.OTHER GRANTS.....	0.0	0.0	0.0	
III.TOTAL ECON. & MIL...	2.8	1.7	1.3	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	2.8	1.7	1.3	
OTHER US LOANS.....	0.0	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	0.0	0.0	
ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	1946-85
TOTAL.....	573.7	355.8	543.7	3107.6
IBRD	128.0	0.0	287.0	887.8
IFC	44.5	0.0	73.7	142.7
IDA	0.0	0.0	0.0	19.0
IOB	400.5	352.2	182.8	1986.6
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.7	3.6	0.0	63.6
OTHER-UN	0.0	0.0	0.2	7.9
EEC	0.0	0.0	0.0	0.0

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Colombia is a two-party democracy in which elected governments have ruled for all but four years (1953-57) of this century. While Colombia's two traditional political parties, the Liberals and the Conservatives, have dominated the political arena since the mid-19th century, smaller parties have fielded candidates at all levels and are usually represented in Congress, state assemblies and city councils. Governors and mayors are appointed by the President under a constitutional provision requiring "adequate and equitable" representation of the major party not holding the Presidency. On January 1, 1986, the constitution was amended to provide for direct election of mayors beginning in March 1988.

Notwithstanding its long tradition of electoral democracy, Colombia continues to experience high levels of both political and criminal violence. For most of the past 35 years, the country has lived under a constitutionally authorized state of siege to deal with civil disturbances, insurgent movements and, most recently, organized crime. The state of siege was lifted in 1982 but reimposed following the assassination of the Minister of Justice on April 30, 1984 by narcotics traffickers.

Colombia has a mixed economy, with expenditures of the central, departmental (state) and municipal governments accounting for about 35 percent of gross domestic product (GDP) in 1985. Private enterprise plays a substantial role in the economy: the coffee industry (which accounts for one-half of the country's exports) is in private hands. At the same time, state enterprises control the domestic participation in major industries such as oil, steel, and coal. The service sector accounts for half of GDP; agriculture and mining one-fourth; and manufacturing has grown to 22 percent of GDP.

In his 1982 inaugural address, current President Belisario Betancur stated that he would give the highest priority to achieving sustained peace in Colombia. After the Congress passed an amnesty for guerrillas in 1982, the Government negotiated cease-fire agreements in 1984 with four of Colombia's five major insurgent groups: the Revolutionary Armed Forces of Colombia (FARC); the 19th of April Movement (M-19); the Popular Liberation Army (EPL); and the Workers' Self-Defense Movement (ADO). Two factions of a fifth group, the National Liberation Army (ELN), signed an accord later, on December 9, 1985. In these agreements the guerrillas generally pledged to cease hostilities for one year provided the Government followed suit and supported political and economic reforms aimed at "opening up Colombia's limited democratic system." The Government agreed to observe a one-year cease-fire; to submit political and economic reform measures to Congress for approval; and to establish three commissions to facilitate the peace process. The Government was also to seek legislation for a general pardon. At the end of the cease-fire, if all went well, both sides committed themselves to entering into an indefinite period of sustained peace.

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However, in mid-1985, the M-19 and the EPL accused the Government of failing to abide by the accords and subsequently joined forces with other guerrilla factions to renew combat. Fighting between government forces and the M-19 reached pre-ceasefire levels in June, especially in the Department of Cauca. On November 6, the M-19 attacked and siezed control of the Palace of Justice, which housed the Supreme Court and the Council of State, in central Bogota. Government forces ended the attack the following day. Over 100 persons died, including all the attackers (estimated at 35) and 11 Justices of the Supreme Court. According to eyewitness accounts of surviving hostages, the attackers executed the President of the Supreme Court during the night of November 6-7.

Meanwhile, in March 1985, the FARC established a political party known as the Patriotic Union (FARC-UP) and requested the reorganization of the three peace commissions and a nine-month extension of the cease-fire. In mid-October, the President named a new 20-member peace commission to assume the functions of the three former commissions, while he considers whether to extend the cease-fire.

In spite of the Government's efforts to achieve sustained peace, political and criminal violence have continued. Legislation limiting the applicability of preventive detention to more serious criminal offences was a significant development in the area of human rights.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

In this period of active insurgency, statistics on killings and disappearances are undependable and subject to differing interpretations. The Permanent Committee for the Defense of Human Rights has asserted that during the year ending July 1985, 644 people were killed by the armed forces, police, secret agents, paramilitary groups, or unknown persons. The Committee also listed 292 death threats and 178 woundings by security forces and paramilitary organizations. The vast majority of these alleged incidents were reported to have taken place in rural areas, where the armed forces were fighting guerrilla groups. In such cases, persons wounded or killed may have been engaged in guerrilla or criminal activity. The Committee's data are based on press reports, personal testimony, and complaints filed by relatives and friends of alleged victims. The Committee seldom investigates incidents but turns over the information gathered to the Government's Prosecutor's office.

Colombian armed forces statistics covering the period July 28, 1984 through July 17, 1985 reported the deaths of 168 policemen, 178 members of the armed forces, and 605 guerrillas. During the same period, the armed forces reported that 272 civilians were assassinated by guerrillas for collaborating with military and/or police forces. A statement by the Director General of National Police published in the press on December 27 reported that 199 policemen had been killed and 480 wounded in the line of duty during 1985.

In mid-December, Colombian authorities announced that they had discovered six common graves near Toribio containing over 100 bodies, including women and children, many of whom had been

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tortured. Some of the victims were dressed in the uniform of the Ricardo Franco Front (RFF) of the FARC. The authorities continued to find new graves and bodies through the remainder of the month. In early January 1986, RFF leader Javier Delgado said that his group was responsible and had executed 158 of its own members accused of being army spies. The M-19 broke relations with the RFF over the incident and, according to press reports, the RFF relieved Delgado of his command and said he would be tried for "arbitrary detentions, torture, and homicide." On January 14, 1986 the president of Colombia's Permanent Committee for the Defense of Human Rights issued a statement condemning the killings, describing them as "one of the most horrifying criminal acts to have taken place in many years in Colombia."

b. Disappearance

In a report issued December 28, 1985, the Attorney General of Colombia said that 344 persons had disappeared during the first 11 months of the year, compared with 150 disappearances in 1984. Of those reported in 1985, 71 had been released safely, 67 had been found dead, and the remaining 206 were still missing. The report noted that 32 members of the police and armed forces had been subject to investigation or other legal proceedings in connection with these disappearances; it did not specify the nature or outcome of the investigation or legal actions. The Permanent Committee reported that 103 people had disappeared or were kidnapped in the period January-July 1985. It attributed 36 of these incidents to military and police forces, 52 to paramilitary groups and the remaining 15 to persons unknown. The Colombian military intelligence organization (D-2) reported 165 kidnappings through the first nine months of 1985. It reported that of these, 41 victims had been freed, 18 had been killed, 13 had been rescued, and 93 were still being held. D-2 compared these figures with 299 kidnappings that it had reported for all of 1984.

A Colombian press report published December 30 stated that 149 kidnappings had taken place in 1985. The report attributed 42 of the kidnappings to the FARC, 17 to the M-19, 3 to the EPL, and 87 to common criminals. A report prepared privately by a former military judge and published in the Colombian press January 3, 1986, stated that 216 kidnappings had taken place in 1985. The report did not attribute responsibility to any group or groups.

Eight U.S. citizens were kidnapped in Colombia in 1985: one by persons claiming to be from the Revolutionary Workers' Party (PRT) on August 16, four by the FARC on October 5, and three by persons claiming to be members of the EPL on December 10. One of those kidnapped by the FARC escaped from his captors two days later; the other three were released by the FARC on November 6. The individual kidnapped by the PRT was released December 22. One of those kidnapped on December 10 was released the following day; the other two remained in captivity as the new year began, and there had been no information about their safety or well-being since their abduction.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

In a report issued December 28, 1985, the Attorney General of Colombia reported that his office had investigated 242 cases of alleged torture of individuals by the police between 1983

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and October 1985. According to the report, in 12 cases the charges had been substantiated and police officers had been punished, in two cases the officers had been absolved, and in 27 cases officers had been charged and the charges were under judicial review. The report stated that the remaining cases were still under investigation. The Permanent Committee for the Defense of Human Rights reported 297 cases of torture between August 1984 and August 1985. It attributed 173 cases to military and police forces, 77 to paramilitary organizations, and the remainder to persons unknown. It stated that most of the reported cases occurred in rural areas. In a judicial decision in June, the Third Panel of the Civil Wing of the Council of State ruled in favor of a doctor who claimed to have been tortured while detained by the armed forces as a suspected M-19 guerrilla in 1979 and 1980. Based on the Panel's ruling, the Council of State ordered the Government to indemnify the doctor and to investigate the conduct of government officials linked to the case, including the current Minister of Defense, who at the time was commander of the military installation where the doctor was detained. The Ministry of Defense has posted a bond in order to appeal the ruling of the Panel to the full Council of State. The case will now be reviewed by all 16 judges constituting the Council; of them, the four judges of the Third Panel will have a voice but no vote in the final ruling.

Colombian prisons are notoriously overcrowded and understaffed due to the practice of preventive detention and inadequate budgets. In most prisons, inmates receive a subsistence diet which they must supplement with purchases from prison stores. Prisoners with financial resources live better than those without. Family members and friends are allowed to visit regularly and to bring food and clothes. Consular officers are given regular access to foreign prisoners. Most prisoners accused of crimes in connection with guerrilla activities are incarcerated in regular prisons, although segregated from common criminals.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides for habeas corpus procedures, and the law requires that individuals be brought to court within 72 hours of arrest in most cases. These requirements are for the most part respected in practice. Persons detained for disturbance of public order can be held up to 10 days before charges must be filed. There are no legal provisions for exile.

Forced or compulsory labor is legally prohibited, and the prohibition is respected in practice.

e. Denial of Fair Public Trial

The rights of public trial and due process are guaranteed to all by the Constitution, and a prisoner may be represented by an attorney of his choice. If he has none, the court will appoint one. Historically, however, an overburdened and underfunded judicial system and the widespread practice of preventive detention have meant that most prisoners incarcerated for common crimes never come to trial but are simply released after serving the minimum sentence applicable to their alleged crime. In September 1985, there were approximately 30,000 persons in prison, of whom 9,000 had been tried and found guilty.

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In 1985, the Congress passed two laws which are expected to have a positive effect on the human rights situation in judicial and penal areas. The first authorizes the Ministry of Justice to hire up to 200 special judges to try cases of extortion, kidnapping and terrorism. To reduce the backlog of cases, the law expands the authority of police inspectors to try less serious crimes. A second law, which entered into force on July 8 eliminates provisional arrest for defendants charged with misdemeanors; as of late September 1985, approximately 3,000 prisoners had been released under provisions of this law.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution requires a court order before authorities can enter a private home, except in the case of hot pursuit. While Colombian human rights organizations allege widespread violations in the more remote areas, the concept of the sanctity of the home and privacy is widely respected in most parts of the country. Persons from rural areas frequently claim that they have been forced to leave their farms by military counterinsurgency operations, guerrilla conscription/confiscation, and paramilitary thugs hired by local landowners.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

These constitutionally guaranteed rights are as a rule respected, and the press often vigorously criticizes the Government and its leaders. The privately owned print media are under no government restraints and publish a wide variety of political views. Television channels are controlled by the state, which leases time to private companies. The Government does not permit private news programs to broadcast interviews which last longer than ten minutes; during political campaigns, news programs cannot broadcast the voice of a candidate whose campaign rally is being filmed. There is no such restriction on talk shows. A section of a bill on electoral reform before the Congress, under consideration for about a year, calls for guaranteed access to the electronic media for all political parties.

b. Freedom of Peaceful Assembly and Association

Public meetings and demonstrations are normally held without interference. Under the state of siege, prior permission is required for demonstrations and is usually granted, except when there is a clear and present danger to public order. As an example of the latter restriction, President Betancur declared the communist-promoted general strike of June 20 illegal on the grounds that terrorists planned to take advantage of the strike to disrupt public services and attack public institutions. When the Communists went forward with the strike, the Government suspended their legal status and froze the funds of six participating labor federations for six months.

Colombian workers enjoy very strong legal protections, including the right to organize and, in the private sector, to bargain collectively and strike. Use of strikebreakers is prohibited, and heavy severance benefits are intended to discourage management from firing union militants. However, benefits in practice are much more limited. Many provisions

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of the law are scarcely enforced and are effectively ignored by small and medium-sized enterprises. Amidst conditions of severe labor surplus, labor has limited bargaining power and has been unsuccessful in organizing beyond the ranks of the largest employers and the public services.

Only about eight percent of Colombia's economically active population is unionized, according to the latest government census of trade unions. The total of 880,000 union members is divided almost equally between the traditional "confederated" labor sector and the leftist/independent sector. Of the four confederations, two are affiliated with the International Confederation of Free Trade Unions, one with the World Federation of Trade Unions, and one with the World Confederation of Labor.

c. Freedom of Religion

The Constitution guarantees freedom of religion. Although an overwhelming majority of Colombians are Roman Catholics, no constitutional discrimination exists against any religious group. In practice, however, non-Catholic and/or evangelical Christian groups operating in Colombia have found it increasingly difficult during the past year to obtain entry and resident visas for additional, or even replacement mission workers. According to official statistics, 217 different religious sects are registered in Colombia.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Colombians are free to leave the country without unusual restriction. In areas under government control where operations against rural guerrilla groups are underway, travelling civilians require "safe conduct" passes; guerrillas reportedly use a similar means to restrict travel in areas where they are active.

Colombians who have sought and have been granted "diplomatic asylum" in foreign embassies have always been allowed to depart. Expatriates can, by law, repatriate. Colombia in the past has accepted refugees; however, because of high unemployment and underemployment, the Government is increasingly reluctant to accept displaced persons.

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

Colombia has a two-party democratic system of government, and elections are conducted fairly and openly. Persons are enfranchised by the constitution at age 18. Those convicted of certain crimes may be disenfranchised. Public employees are forbidden by law to participate in political campaigns but, with the exception of military personnel, can vote. Colombian politics are dominated by two major parties, the Liberal and the Conservative, and each includes elements with widely divergent political views. All parties are free to raise funds, field candidates, hold public meetings, have access to the media, and publish their own newspapers. Almost seven million voters--approximately 60 percent of those eligible--turned out for the May 30, 1982, presidential election, the greatest participation in recent history. Many went to the polls despite guerrilla threats to punish those who did so. Elections are scheduled twice in 1986; in March to elect a new Congress, and in May to elect a new president.

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President Betancur's program to reach a permanent peace settlement with guerrilla groups has several important electoral implications: first, two of the political reforms promoted by the guerrillas and subsequently submitted by the Administration to Congress for approval concern the popular election of mayors and general electoral reform. Legislation providing for direct election of mayors beginning in March 1988 passed Congress and was signed into law by President Betancur January 1, 1986. Second, the participation of the Patriotic Union, or FARC-UP, in the 1986 elections has generated a heated controversy over the possibility of "armed proselytizing" by the FARC-UP in rural areas. The FARC-UP presidential candidate withdrew from the race in January 1986, citing safety concerns. The party plans to name an alternate candidate. The Administration has announced the establishment of an electoral commission to oversee and guarantee free and fair elections in 1986.

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

Colombia has actively participated in international and regional human rights bodies, is currently a member of the UN Human Rights Commission, and has welcomed nongovernmental human rights organizations.

In September 1985, the Colombian press published the text of Amnesty International's report on the status of Colombian human rights in 1984. The report expressed concern over extrajudicial executions and systematic torture carried out "as a matter of policy" by some army and police entities, as well as cases of execution-style killings of kidnap victims held captive by guerrilla organizations. Amnesty International also noted that there were substantially fewer reports of such abuses than in previous years and welcomed measures by the Attorney General and civilian courts to investigate and prosecute military and police officials alleged to be responsible for serious abuses of authority.

Partially in response to Amnesty International's report, the Attorney General's office established a new human rights advisory commission to investigate alleged violations and propose corrective measures. The new commission will be headed by the Deputy Attorney General and will include representatives of the military, the police, the Permanent Committee for the Defense of Human Rights, and the Association of Families of Disappeared Persons.

The Permanent Committee for the Defense of Human Rights is the most active Colombian human rights organization. The Committee's 94 members include among others the current Justice Minister, members of the Congress, journalists, labor leaders, and persons in the arts, including Nobel laureate Gabriel Garcia Marquez. The Committee compiles statistics based on press stories and personal testimonies, which it turns over to the Government for investigation and, if necessary, prosecution. It has no staff or budget to be able to verify such reports by conducting independent inquiries. The Committee's statistics have been used extensively by international organizations such as Amnesty International, Americas Watch, and the Washington Office on Latin America. The Permanent Committee also sponsors periodic human rights forums in Colombia.

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In early January 1986, the New York-based human rights group Americas Watch published a report saying that Colombia's armed forces were responsible for summary executions, torture, and "disappearances" in actions against leftist guerrillas. The report also attributed kidnappings and killings of civilian noncombatants to leftist guerrillas. "As conflicts have increased between the guerrillas and the military, human rights violations have accelerated dramatically," the report said.

Freedom House has classified Colombia as "free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

According to nearly complete returns from an October 1985 census, Colombia's population is 27,000,000. It grew at a rate of 2.0 percent in 1985. The per capita GNP was \$1,430 in 1983.

The period of slower economic growth which began in 1980 has continued. While the real Gross Domestic Product showed an increase of three percent in 1984, for 1985 it is expected to be between two and three percent. Inflation, which declined from 24.5 percent in 1982 to 16.2 percent in 1984, rose again to 22.25 percent in 1985. Government data shows unemployment increased to 14.7 percent in July 1985, with underemployment estimated at 14 to 16 percent. According to Colombian labor experts, however, official labor statistics do not take into account an estimated 2.5 million children under 15 who work for low pay under poor conditions and with little protection from the Colombian Labor Code. Although increases in minimum wages have more than kept pace with increases in the cost of living in past years, a large percentage of workers do not earn the minimum wage. The Government's economic adjustment program called for a maximum 10 percent increase in wages in 1985 and for a wage increase somewhere between 10 percent and the increase in the prevailing cost of living in 1986.

There is inequality in the distribution of the nation's income and wealth, with the wealthiest 10 percent of the population receiving 40 percent of the national income and the poorest 20 percent only 5 percent (1983 World Bank figures). Similarly, land tenure is severely skewed: the top 10 percent of landowners hold 80 percent of the land, while the bottom 10 percent own 0.2 percent. Significant regional inequalities also exist, with the best economic opportunities, health care facilities, and education available in the largest cities. This has contributed to heavy, though decreasing, migration from the countryside to urban areas. A notable exception to the general pattern of income distribution is in Colombia's important coffee-growing regions, where farms have traditionally been small-to-medium-sized. More recently, some small farms in the higher altitude areas of Bogota and Medellin have been able to take advantage of the increasing export demand for fresh-cut flowers.

Some 20,000 people died in mud slides resulting from the eruption of the Nevado del Ruiz volcano on November 13. President Betancur signed a decree authorizing a 35-day state of economic emergency on November 24 in order to create a special fund for reconstruction of the affected areas. The decree authorized the fund to receive donations from foreign and domestic donors and the imposition of additional taxes to raise revenues for this purpose. No new taxes have been levied.

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The Betancur Administration promised to provide 400,000 low-cost housing units between 1983 and 1985 and to concentrate on rural adult literacy and vocational training. Indeed, the 1986 proposed budget for the social sector ministries (Labor, Government, Health, and Education) accounted for approximately 23.2 percent of total expenditures. There is a severe shortage of teachers in rural areas. Primary school enrollment nationwide has increased, and the adjusted enrollment ratio in 1982 was 102 percent. The adult literacy rate was estimated at 85 percent in 1981. Colombia's infant mortality rate was 62 per 1,000 live births in 1985. While the ratio of caloric supply available for consumption relative to nutritional requirements in 1977 was 104 percent, per capita consumption of important commodities such as meat, eggs, and milk declined between 1948 and 1978, and malnutrition is a leading cause of death among children under five years of age. According to World Bank statistics, 92 percent of the population in 1980 had access to safe water.

The law prohibits the employment of children in most jobs before the age of 14, particularly where such employment might interfere with schooling. These provisions are respected in the larger enterprises and larger cities. However, an unofficial sector exists in the economy which includes very small businesses, workers employed by relatives, self-employed workers, and street sellers. This sector is effectively outside government control, and many children are exploited in it.

The Labor Code regulates the hours of labor and other work conditions. The eight-hour day is standard in larger companies, but the work week generally exceeds 40 hours; a standard week of five eight-hour days remains an important long-term goal of Colombian trade unions. A national minimum wage is set at least annually by the Government, and serves as an important benchmark for wage bargaining, although a large percentage of workers do not earn the minimum wage.

Occupational safety and health is extensively regulated, including use of protective clothing and ventilation, first aid and firefighting equipment at the job site, sanitary facilities and potable water for workers, and compensation if injured. These regulations apply to the larger agricultural enterprises as well as industry and mining. However, exemptions for small companies, the frequent use of workers as "subcontractors" rather than employees, and a general difficulty in enforcement cause very large numbers of workers to fall outside the protection of the law. The Government is endeavoring to improve regulatory enforcement, and improved work conditions are a priority goal of the trade unions.

Women have equal civil and property rights by law. Their economic situation, though improving, is inferior, especially in rural areas; they comprise just over 25 percent of the country's economically active population, but are concentrated in low-productivity, low-income sectors. Historically, the unemployment rate for women has been higher than for men, but this difference has decreased in recent years. Although women are legally entitled to pay equal to that of their male counterparts and are normally paid equal salaries when employed by the Government, this is not generally the case in private industry.

As more Colombian women graduate from universities and participate in the work force, they are increasingly active at

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all levels of society. A growing number are receiving higher education; they currently comprise 40 percent of the university population. They serve as legislators, judges, governors of departments (states), political party leaders, government officials and diplomats. One indicator of the growing role of Colombian women in urban society is the unprecedented number of high-level women appointees in the Betancur Administration. A woman is running as the candidate of a minor party in the 1986 Presidential elections.

Colombian Indians legally enjoy all rights and privileges of full citizenship, but some claim to be suffering a wide variety of abuses and are now seeking to promote local improvements through community action, public education, and legal aid. Their most common complaint is that large landowners have hired paramilitary thugs to force them off contested lands and, when they retaliate, that the landowners call on local police and military forces for protection. One Indian group has organized a guerrilla band, the Quintin Lame which has reportedly allied itself with the M-19 guerrilla group in some recent confrontations with the armed forces.

The upsurge of land invasions beginning around mid-1984 has continued unabated into 1985. Some landowners attribute this to leftist political activists, others consider it a natural result of the current politicking over land reform. Whatever the cause, the trend toward increased invasions continues to generate concern in both government and land-owning circles.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: COLOMBIA

	1983	1984	1985
I.ECON. ASSIST.-TOTAL...	3.9	8.2	11.3
LOANS.....	0.0	0.0	0.0
GRANTS.....	3.9	8.2	11.3
A.AID	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN \$-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF,EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	3.9	3.2	11.3
LOANS.....	0.0	0.0	0.0
GRANTS.....	3.9	3.2	11.3
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	3.5	6.8	10.7
OTHER.....	0.4	1.4	0.6
II.MIL. ASSIST.-TOTAL...	0.7	25.3	0.8
LOANS.....	0.0	24.5	0.0
GRANTS.....	0.7	0.8	0.8
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	24.5	0.0
C.INTL MIL.ED.TRNG....	0.7	0.8	0.8
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	4.6	33.5	12.1
LOANS.....	0.0	24.5	0.0
GRANTS.....	4.6	9.0	12.1
OTHER US LOANS.....	3.8	4.0	0.0
EX-IM BANK LOANS.....	3.8	4.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1983	1984	1985	1946-35
TOTAL.....	222.4	1043.8	1208.6	7868.0
IBRD	79.4	464.1	707.5	4324.0
IFC	28.8	6.8	23.0	153.1
IDA	0.0	0.0	0.0	19.5
IDB	106.2	570.4	478.1	2782.1
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	3.2	2.5	0.0	61.3
OTHER-UN	5.8	0.0	0.0	28.0
EEC	0.0	0.0	0.0	0.0

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Costa Rica has been a functioning constitutional democracy for almost 4 decades. The Government consists of three independent branches: executive, legislative, and judicial. Free and fair elections were held last in February 1982; nearly 80 percent of eligible voters participated. The tradition of alternating political parties in every election except one since 1948 continued and President Luis Alberto Monge of the National Liberation Party (PLN) defeated the candidate of the incumbent UNIDAD coalition. The President is constitutionally prohibited from succeeding himself, as are members of the Legislative Assembly. The 57 deputies in the Assembly are elected at the same time as the President and for the same 4-year term. The two major political parties now campaigning for elections in February 1986 are the National Liberation Party and the United Social Christian Party. A leftist coalition presently holds four seats in the Legislative Assembly. Included in the coalition is the Communist Party, which freely participates in the political process.

Both police and national defense functions are performed by the Ministry of Public Security's Civil Guard and the Ministry of Government's Rural Guard in the countryside. The Judicial Police, charged with investigating crimes, is an entity of the judicial branch directly responsible to the Supreme Court. None of these entities has been associated with human rights violations.

In Costa Rica's mixed economic system, the right to hold private property is legally protected, and approximately 70 percent of the gross national product is produced by the private sector. Several government-owned autonomous agencies provide goods and services; the public sector is the nation's largest employer with around 20 percent of the work force. While inflation has been largely brought under control, unemployment and underemployment continue to be problems, especially among the young.

Costa Rica abolished its standing army in 1949. The country's security forces, which are subject to civilian control, are few in number and inadequately trained and equipped. With the persistence of troubled relations with Nicaragua and consequent fear of internal subversion, there is widespread popular support for upgrading the Civil and Rural Guards. There is no significant public support for creating a professional armed force.

Costa Rica has maintained its excellent human rights record over the past year. The Monge administration continued to demonstrate sensitivity to the need to protect basic human rights.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

Neither the Government nor any other official entity has used, abetted, or condoned killing as a political weapon.

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b. Disappearance

There have been no known incidents of abductions, secret arrests, or persons held clandestinely by any agency of the Government.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution states that "no one shall be submitted to cruel or degrading treatment nor to life imprisonment. A statement obtained through violence shall have no value." These injunctions are respected in practice. Prisoners are treated humanely in Costa Rican prisons.

d. Arbitrary Arrest, Detention, or Exile

There have been no known violations in this area. There are no detentions for expression of dissenting opinions. Warrants are required for both searches and arrests; the Constitution requires that an arraignment take place within 24 hours of arrest. Bail is provided for. These requirements are strictly enforced. There is no preventive detention. It is unconstitutional to exile a citizen. Habeas corpus and amparo are honored in practice. The judiciary is fully independent and effective.

The Constitution prohibits and there are no known instances of forced or compulsory labor.

e. Denial of Fair Public Trial

The judiciary is widely recognized as fair and independent. Accused persons may select their own attorneys; access to counsel is guaranteed, with free public counsel provided for defendants without means. The right to an open, impartial trial is guaranteed and honored in practice. The right to bail is provided for in law and is observed in practice. There are no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There have been no reported instances of extralegal invasions of privacy conducted by, or with the knowledge of, agencies of the Government over the past year.

Section 2 Respect For Civil Rights, Including:

a. Freedom of Speech and Press

The Constitution specifically guarantees freedom of speech and press. These freedoms are fully respected in practice. Two Communist parties publish weekly newspapers, and the media report news and information spanning the political spectrum. There are three privately owned television stations and numerous radio stations, which pursue independent editorial policies. The media freely air differences with, and criticism of, the Government. There is no evidence of either collusion or repression. Terrorist activities are fully covered.

Foreign journalists have challenged the Costa Rican courts' refusal to recognize their credentials which would allow them

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to practice their profession in Costa Rica. The issue, involving the Costa Rican National Journalists Association's right to accredit reporters, was heard before the Inter-American Court on Human Rights in September 1985. On November 14, the Court declared that a Costa Rican law requiring membership by journalists in the government-sponsored journalist college was incompatible with the Freedom of Information Guarantee of the Inter-American Human Rights Convention. The decision, which is consultative and nonbinding, was unanimous. The Government of Costa Rica has not indicated yet how it will respond to the Court's decision.

b. Freedom of Peaceful Assembly and Association

Constitutional guarantees of freedom of assembly and association are fully respected in practice.

Workers have the right to organize and the right to association by organized labor as defined by the International Labor Organization (ILO) is fully honored. Unions are independent of government control. About 15 percent of the work force is organized into unions, primarily in the public sector and on banana plantations. Unions are free to maintain relations with recognized international bodies such as the International Confederation of Free Trade Unions and the ILO. Several major unions, including those representing banana and public service workers, are controlled by Communists, whose influence in organized labor is disproportionate to their overall influence in Costa Rican society.

Procedures for collective bargaining and arbitration of labor disputes are prescribed in law and followed in practice. The country's Labor Code states that when one-third of the workers in an operation are union members, the employer must conclude a collective agreement, if requested. The Labor Code also permits employees to set up permanent grievance committees to handle both individual and collective disputes. When labor disputes arise, the first attempt at a solution is made by the Office of Conciliation of the Ministry of Labor in San Jose (or the Labor Inspector if the dispute is outside the capital). If conciliation fails, the case goes to a Labor Court which must approve a planned strike or lockout before the strike legally can begin. Public sector strikes are illegal. Unions have complained that the process of having a strike declared legal is complicated, time-consuming, and often unsuccessful. In 1985, there were only seven strikes, each court-approved, each of minimal economic significance. Both democratic and Communist unions displayed their dissatisfaction with government-mandated price hikes and delays in salary increases by participating in a number of peaceful demonstrations, including the traditionally antigovernment May Day Parade, which is fully tolerated by the Government.

c. Freedom of Religion

Freedom of religion is guaranteed in the Constitution and observed in practice. Roman Catholicism is the official state religion, but other religious groups have significant numbers of adherents who participate without prejudice in the social and political life of the nation (a non-Catholic can be elected President of Costa Rica). Foreign missionaries and clergy freely enter Costa Rica. There are no restrictions on proselytizing.

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d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no unusual restrictions on traveling within the country or abroad. Emigration is not restricted. A citizen's right of return is guaranteed. Costa Ricans and foreigners are free to live anywhere within the national boundaries. Costa Rica has supported multinational refugee programs and has accepted many thousands of refugees from Cuba, other Central American countries, and South America. The continuing large influx of Nicaraguan refugees has seriously strained national resources, but there has been no move toward repatriation.

The Constitution specifically prohibits the Government from repatriating any non-Costa Rican who may be subject to political persecution in his own country. Costa Rica has traditionally afforded political asylum to exiled dissident groups of various political orientations.

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

Costa Rica is ruled by a Government elected by its people. The Constitution provides for a free, open, and competitive electoral system, and this provision is scrupulously honored in practice. The integrity of elections--generally regarded as unimpeachable--is overseen by the independent Supreme Electoral Tribunal. No political party is outlawed or excluded from the electoral process; no party has dominated the affairs of the nation; no eligible voter is deterred from participating in elections; no ethnic, economic, or other group dominates; no segment of the citizenry is excluded from the political process. Individuals can and do petition their elected representatives for legislative redress and assistance with government bureaucracies.

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

A strong supporter of international and private human rights organizations, Costa Rica has extended a permanent invitation to the Inter-American Human Rights Commission to visit whenever it wishes. Costa Rica was one of the first countries to ratify the American Convention of Human Rights. It has accepted the jurisdiction of the Inter-American Institute Court of Human Rights, which is based in San Jose, and hosts the Inter-American Institute of Human Rights. Costa Rican Government officials at the highest level participate in and actively support the human rights activities of both the Institute and the Court. Several major international human rights conferences sponsored by the Institute have been held in San Jose. Overall, Costa Rica has been in the vanguard in the promotion of human rights institutions.

Freedom House rated Costa Rica "free." Amnesty International 1985 Report (covering the year 1984) expressed concern over the August 1984 arrest of members of the National Patriotic Committee of Alajuela during a protest demonstration. Amnesty International's concern was based on the possibility that the detainees were ill-treated while in custody and that the basis for their detention may have been fabricated.

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ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The population of 2,644,000 is growing at a rate of 2.6 percent annually. Per capita gross national product (GNP) is \$1,289.

Economic problems currently facing Costa Rica stem from the nation's vulnerability to changes in the prices of its major exports (coffee, bananas, and sugar) as well as the nation's heavy importation of oil, raw materials, consumer durables, and foodstuffs, and external borrowing from public and private lenders. A government austerity program has succeeded in lowering the inflation rate and restoring positive GNP growth, but higher prices for consumer goods and constraints on wages have increased hardships to large sectors of the population. Government efforts to meet the society's economic and social needs are made on a nondiscriminatory basis.

Unemployment, officially calculated at 6.5 percent, is unofficially 8 to 10 percent. Underemployment, affecting as much as 20 percent of the population, is particularly acute among recent university graduates frustrated over their inability to find employment in their fields of study. The steadily increasing number of refugees from Nicaragua has further aggravated the employment situation. In addition to the 23,000 mostly Salvadoran and Nicaraguan refugees in Costa Rica receiving financial assistance from refugee relief organizations, the Government estimates there are 250,000 illegal aliens seeking to blend into the already overburdened economy; approximately half of this number are Nicaraguans.

Despite its myriad problems, Costa Rica's per capita GNP was the highest in Central America in 1984. Economic progress, however, is not uniformly distributed. Severe poverty exists in some outlying areas, while development has been most noticeable in the central plateau surrounding the capital of San Jose.

Life expectancy at birth is 74.1 years. The rate of infant mortality is 19 per 1,000. Primary school enrollment is over 100 percent of the school-age population because Costa Rica has universal education, and 90 percent of adults over the age of 14 can read and write. The ratio of caloric supply to nutritional requirements is 118 percent; 84 percent of the population has access to safe water.

The 1949 Constitution defines the normal hours of the workday, remuneration for overtime, days of rest, and annual vacation rights. It specifies compensation for discharge without due cause, the right to a minimum wage, and special protection for women and minors. The minimum working age is 12, with special protections in force for workers under 15. A national wage board (composed of three members each from government, management, and labor) sets minimum wages and salaries for every occupation in every industry, including agriculture.

The Constitution sets normal work hours at 8 hours for daytime and 6 hours for nighttime work, with weekly totals of 48 and 36 hours respectively. Ten-hour days are permitted for work not considered unhealthful or dangerous, but weekly totals may not exceed 48 hours. Nonagricultural workers receive an overtime premium of 50 percent of regular wages for work performed in excess of the daily work shift. Agricultural

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workers are not paid overtime if they voluntarily work beyond their normal hours.

A 1967 law governs health and safety at the workplace. Industrial, agricultural, and commercial firms with 10 or more workers are required to have a joint safety committee. The law allows the Government to inspect workplaces and to fine employers for violations. However, a shortage of labor inspectors, especially outside San Jose, limits the Ministry's ability to ensure that minimum conditions of safety and sanitation are always maintained.

Increased population pressures and economic decline have greatly influenced peasant demands for agricultural land. Groups have organized, in some cases with Communist support, to invade both private and public lands. Squatting, although illegal, continues to be a major problem given the government's inability to prevent it and to implement an effective and equitable land reform system.

The role of women, although still primarily domestic, is not limited in Costa Rica. Women are represented in all professions, in the highest ranks of organized labor, in the private business sector, and in the Government (occupying prominent positions in the legislature, as well as in the executive branch and the judiciary). Women and minority groups participate freely in Costa Rica's elections.

Costa Rica's population includes some 30,000 West Indian Blacks and 25,000 Indians. English is the second language of the country primarily because it is spoken by the Caribbean Blacks. Most of the Indians speak Spanish and live in a traditional manner on 19 reserves throughout the country. Because most live in remote areas, they often lack access to schools, health care, electricity, and potable water. The Government is currently involved in programs to provide primary education to the Indians and to buy out "islands" within the Indian reserves which are owned by non-Indian people.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: COSTA RICA

	1983	1984	1985
I.ECON. ASSIST.-TOTAL...	214.2	169.8	217.1
LOANS.....	166.2	69.9	32.1
GRANTS.....	48.0	99.9	135.0
A.AID.....	184.2	145.5	195.5
LOANS.....	138.2	47.4	10.7
GRANTS.....	46.0	98.1	184.8
(SEC.SUPP.ASSIST.)...	157.0	130.0	169.6
B.FOOD FOR PEACE.....	28.2	22.5	21.6
LOANS.....	28.0	22.5	21.4
GRANTS.....	0.2	0.0	0.2
TITLE I-TOTAL.....	28.0	22.5	21.4
REPAY. IN \$-LOANS.....	28.0	22.5	21.4
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.2	0.0	0.2
E.RELIEF.EC.DEV & WFP.	0.2	0.0	0.2
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	1.8	1.8	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.8	1.8	0.0
PEACE CORPS.....	1.7	1.8	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.1	0.0	0.0
II.MIL. ASSIST.-TOTAL...	4.6	9.1	11.2
LOANS.....	0.0	0.0	0.0
GRANTS.....	4.6	9.1	11.2
A.MAP GRANTS.....	4.5	9.0	11.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.1	0.1	0.2
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	213.8	178.9	228.3
LOANS.....	166.2	69.9	32.1
GRANTS.....	52.6	109.0	196.2
OTHER US LOANS.....	0.0	2.1	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	2.1	0.0
ASSISTANCE FRDM INTERNATIONAL AGENCIES			
	1983	1984	1985
TOTAL.....	124.4	35.8	155.3
IBRD.....	25.2	0.0	83.5
IFC.....	1.5	0.0	0.0
IDA.....	0.0	0.0	0.0
IDB.....	97.2	35.8	71.6
AfDB.....	0.0	0.0	0.0
AFDB.....	0.0	0.0	0.0
UNDP.....	0.4	0.0	0.0
OTHER-UN.....	0.1	0.0	0.2
EEC.....	0.0	0.0	0.0
			1946-85
TOTAL.....			1213.1
IBRD.....			489.9
IFC.....			6.7
IDA.....			4.6
IDB.....			696.2
AfDB.....			0.0
AFDB.....			0.0
UNDP.....			12.2
OTHER-UN.....			3.5
EEC.....			0.0

CUBA

Cuba is governed by a tightly interwoven hierarchy at the apex of which is a single individual, Fidel Castro, who is chief of state, head of government, leader of the Communist Party, and commander of Cuba's armed forces. Taking power in 1959 from an often harsh and arbitrary dictatorship, the Castro Government quickly transformed itself into a Communist regime and instituted a far more systematically repressive order, one in which previous restrictions on basic human rights were greatly magnified and made pervasive. Supported by a few longtime close associates, Castro controls all aspects of Cuban life through a network of interlocking directorates centered on the Communist Party. All state authority is subservient to the party, which controls all aspects of the daily life of Cuba's citizens. Their political, social, and economic existence is regimented to meet the goals set by the party and State and to prevent spontaneous or unplanned social behavior. The party ensures internal security and conformity with these goals through the Ministry of Interior, which operates border and police forces, orchestrates and controls all public demonstrations, investigates evidence of nonconformity, regulates migration, and maintains a pervasive system of informers and block wardens. Civil liberties in particular may not be exercised "contrary to the decision of the Cuban people to build socialism and communism" (Article 61 of the Constitution of the Republic of Cuba). Thus they exist only to the degree the state deems expedient.

Before Castro took power, although Cuba had an expanding economy and a small but growing middle class, poverty was widespread. Today, income distribution has the appearance of being more egalitarian, but there is substantial evidence that while the political and military elite live in relative comfort, most people must cope with a persistent and severe scarcity of food and consumer items. Most necessities are still rationed--27 years after the revolution--and sometimes wholly unavailable. Many consumer items may be acquired, if at all, only at extremely high prices in the "parallel market." What "private sector" there is is too small to be economically significant. Inefficiency and low productivity characterize the state sector, where the incentive to produce is conspicuously absent.

It is very difficult to obtain specific information about the human rights situation in Cuba because of tight controls by the Government. Despite this difficulty, some details do become known outside Cuba. Those details confirm that there was no improvement in the human rights situation in Cuba in 1985. Former political prisoners have reported or confirmed that the Cuban Government continues to abuse basic human rights, including the use of torture and denial of fair public trial. Many political prisoners remain in jail after the expiration of their original and often very lengthy sentences. There have been credible reports of continuing arrests for political crimes. Freedom of speech is not permitted. The practice of religion is actively discouraged and in some cases prohibited, despite an effort by the Government to appear open to a dialogue with the Catholic church. In recent months the Castro regime has displayed greater sensitivity to foreign opinion regarding Cuba's human rights record by offering to release a few very long-term political prisoners on the condition that they leave Cuba, but there is no evidence of fundamental improvement in a system where dissent can find expression only outside the framework of the law.

CUBA

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

After the Castro movement seized power in 1959, it promptly began a series of show trials and summary executions of persons alleged to have carried out political crimes as officials of the previous government. There are credible reports that the use of executions to deter political dissent continues. A report of the unofficial Cuban Committee on Human Rights smuggled out of Cuba in the summer of 1985 cited a number of recent examples of execution by firing squad. Three brothers, Cipriano, Ventura, and Eugenio Garcia Marin reportedly were executed. Their mother, Margarita Marin Thompson, is said to have been sentenced to serve 25 years in "Nuevo Amanecer" prison on conviction for "dangerousness" (peligrosidad). The report also mentioned the executions of two university students, Maximo Galan Zaldivar and Ismael Cepero. Former political prisoner Jorge Valls Arango, who was released in 1984, has stated that he saw many executions during his more than 20 years in prison.

The report of the Cuban Committee on Human Rights also noted that Guido Faraminan Hernandez, a former labor leader jailed in 1965 for opposing government control of the Cuban Confederation of Workers (CTC), may have died of unnatural causes in the hospital of the Combinado del Este prison in April 1985. His family was told that he had died of a heart attack, but prison authorities refused to turn over the body to his relatives. Also, according to the Committee, Felipe Hernandez, a vice president of the Jehovah's Witnesses, died under similar circumstances in early 1984. More recently, the Committee asserted, Caridad Pavon Tamayo, a Cuban Solidarity activist, and Sara Oquendo Hernandez, a teacher, poet, and human rights activist, met the same fate while in prison.

Most recently, on November 18, 1985, a 16-year-old boy was shot to death and an 18-year-old companion possibly wounded by Cuban police guards when the two attempted to gain access to the Venezuelan Embassy in Havana. According to all accounts, no attempts were made to warn or negotiate with the boys, who were simply shot on sight--disturbing evidence of the regime's standing orders in such matters. This was the third person killed at the Venezuelan Embassy in the last 22 months and the 21st killed there since 1974.

b. Disappearance

When individuals are arrested by the Cuban secret police, friends and family risk retribution if they ask about them. Rarely are individuals tried publicly for political crimes; sentences are also often secret. When those Cubans who have been able to emigrate and become citizens of another country return to Cuba to visit relatives, their new citizenship is not acknowledged by the Cuban Government. If arrested, they are denied contact with consular officials. If they disappear, the Cuban Government refuses to provide any information about them to authorities of their new countries of citizenship.

CUBA

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Former long-term political prisoners have provided firsthand descriptions of the deplorable conditions they were forced to endure during the period from the early 1960's through mid-1984. There is no evidence that conditions improved in 1985. The prisoners reported major, systematic abuses, including: beatings by guards and officers; withholding of food and water; inadequate diet; withholding of medical care; withholding of fresh air and exercise; withholding of family visits for years; withholding of mail for years; solitary confinement; physical injury caused by electronic noise machines; participation of prison medical staff in acts of torture; and suspected medical experiments carried out without the permission of prisoners.

Armando Valladares, the noted writer and poet and a former political prisoner, has described Cuba's prisons as "America's Gulag" and observed that torture is systematically practiced to try to make prisoners accept Communism. Cuba's degrading treatment of political prisoners, in violation of the American Declaration on Human Rights, the deficient medical treatment for those incarcerated, and the deplorable condition of Cuban prisons have repeatedly been denounced by the Inter-American Human Rights Commission, most recently in October 1985.

The Cuban Committee on Human Rights reported in 1985 that Professor Antonio Penabaz Tobio is being kept--without medical attention--in Combinado del Este prison hospital, suffering from a beating with rifle butts that was administered by state security personnel when arresting him. He was arrested for peacefully opposing the state of oppression existing in Cuba and for explaining the civil liberties that exist in democratic countries. The Committee also reported that more than 120 youths between the ages of 16 and 20 are prisoners in Combinado del Este, serving sentences of 15 to 25 years. These persons were said to have been beaten badly upon being arrested for crimes they claim they did not commit.

Political prisoners who refuse to accept political indoctrination or be classified as common criminals are known as "plantados" and are subject to particular abuse. They spend their days dressed only in pajamas or underwear, or without any clothing at all. Visits by friends or relatives are limited to one or two per year, or less, and letters to one per month. Political prisoners are not routinely released at the end of their terms; whether they are freed depends on a personal decision by Fidel Castro, who has frequently used the release of political prisoners to gain favor with an influential foreign visitor or to put the latter under obligation to "respond." The 1985 Amnesty International Report expressed concern about the Government's practice of not releasing long-term political prisoners who had completed their sentences.

d. Arbitrary Arrest, Detention, or Exile

Arrests are often carried out without warrants. Those arrested can be detained for long periods without judicial hearings. As indicated by Article 61 of the Cuban Constitution, legal protections cannot be invoked to prevent the State from arresting and detaining anyone, including placing in incommunicado detention, whom the political

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authorities consider harmful to the "decision of the Cuban people to build socialism and communism." People arrested for vandalism, practicing certain religions, or criticizing the regime can be charged with sabotage and counterrevolutionary activities.

In July 1984, Amado Rodriguez, a former long-term political prisoner, was rearrested and held incommunicado until sentenced in March 1985 to an additional 15 years in prison. Originally imprisoned in 1961 at the age of 18, Rodriguez had served 18 years of a 30-year sentence. Currently held in the infamous Boniato prison in eastern Cuba, he reportedly has been subjected to physical and psychological torture and has been denied medicine and medical care. His case was brought to the attention of the Inter-American Human Rights Commission in August 1985.

Once political prisoners are freed, they are sometimes forbidden to leave Cuba. Poet Angel Cuadra Landrove, who was released in April 1982, was not able to depart Cuba until 1985. Ricardo Bofill Pages, Chairman of the Cuban Committee on Human Rights, was released from his second term in prison in August 1985 but still awaits permission to depart the country. While waiting for exit permits, former political prisoners sometimes are denied the right to work, possess ration cards, and obtain basic identification documents. In its 1984 report, the International Labor Organization (ILO) noted that Cuban law can be used by the Government as a means of direct or indirect compulsion to work and urged that the law be amended to bring it into conformity with the Convention on Forced Labor.

e. Denial of Fair Public Trial

Although Cuban courts are described constitutionally as "independent," in practice they are subordinated to the Party through the National Assembly of the People's Power, a rubber stamp body that meets twice annually for a few days, and to the Council of State. All civil courts are presided over by a five-person panel of judges. Three are professionally qualified; the other two are "workers' representatives" who see that the "interests of the revolution" are protected. People accused of certain counterrevolutionary activities are tried and sentenced secretly by military tribunals. Although defense lawyers are theoretically available to all defendants, attorneys have been jailed for defending individuals charged with political offenses. One of those attorneys, Aramis Taboada, died in a prison hospital in November 1985, under unexplained circumstances.

Only the Cuban Government knows the exact number of political prisoners in Cuba. Fidel Castro told foreign journalists in February 1985 that "political prisoners, . . . the recalcitrant ones who once numbered many thousands, amount to about 200. . ." Castro, who has no reason to exaggerate, also stated that the total number of individuals "sentenced for counterrevolutionary activities" could be as many as 1,000. Americas Watch and Amnesty International have published estimates that the number is between 250 and 1,000. Some political prisoners released in June 1984 contend the total is in fact nearer 10,000. A 1985 survey by Amnesty International of other human rights organizations drew responses indicating that there may be as many as 15,000 political prisoners in Cuba, though Amnesty International itself did not endorse that

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number. Few of the political prisoners have been involved in violence against the Government.

In January 1985, a delegation from the U.S. Catholic Bishops Conference asked for the release of 140 long-term political prisoners, after which the Cuban Government offered to release 75 persons--the majority of them neither on the list of 140 nor known to the Catholic Church--and allow them and their families to leave Cuba for the United States. The necessary steps to establish their eligibility for resettlement are presently in progress. Meanwhile, as of January 1986 all but a few of these persons are still in prison.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Family life is complicated in Cuba by educational practices, which often separate children from their parents and teach that the State's interests have priority over family ties. Further disruption is caused by severe housing shortages, rationing, and strong pressures to participate in "voluntary" Communist Party-related activities. Parents fear, rightly, that teaching their children religious practices, even in their homes, will harm their careers. Nearly all families must send their teen-aged children on 45-day stints of "voluntary work" in rural areas. The children are kept in camps, where they are indoctrinated with party ideology and encouraged to inform on their parents and friends.

Few aspects of an ordinary Cuban's private life are free from state surveillance. Telephones are tapped and mail is opened. Daily life is closely monitored by the Committees for the Defense of the Revolution (CDR) that exist on virtually every block in Cuban municipalities, and in which membership is essentially mandatory. As a CDR member explained in a documentary film done by a Cuban exile in Cuba in 1983/84, members are expected to observe and report anything "unusual," including strangers (especially foreigners) in the neighborhood, reception of foreign radio and television broadcasts, conspicuous consumption, unauthorized meetings, or critical comments about the Government. Cubans overheard by neighbors reportedly have been fined for speaking disparagingly of Castro in their homes. According to recent exiles, the Cuban people generally resent this type of violation of their human rights even more than economic deprivation or political indoctrination.

Listening to foreign radio and television broadcasts is discouraged. A shrill hum is transmitted to interfere with broadcasts of the Voice of America's Cuba service ("Radio Marti program"). Some Miami radio stations are also jammed. Non-Communist foreign periodicals are rarely permitted to circulate in Cuba.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

There is no freedom of speech or press in Cuba; all media are controlled by the State and are used for the purpose of indoctrination and dissemination of propaganda. They publish or broadcast nothing that is not in consonance with the party line. There are credible reports that broadcasters have been dismissed or punished for casual comments, such as making a

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sarcastic comment about the artistic merit of East European "children's cartoons" shown on Cuban television. Intellectual expression is limited to activities that do not contradict government policy lines.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly and association are not guaranteed by the Constitution and are actively discouraged. Any group meeting is almost certain to be monitored by the CDR or state security representatives. All associations are party or government-controlled and most are party- or government-initiated. The few private associations exist at the sufferance of the Government and at the risk of the associates.

Cuban workers are required to belong to the officially sponsored Confederation of Cuban Workers (CTC). The CTC is a member of the ILO as well as the World Federation of Trade Unions (WFTU). It is not in fact an independent trade union but rather a mass organization under government and party control. It automatically supports any and all government political initiatives. In January 1983, five organizers of an independent trade union reportedly were sentenced to death for their activities, although their sentences were later commuted to 30 years imprisonment. Two hundred other would-be independent trade unionists received lesser sentences in this instance. A judge who questioned the severity of these sentences was herself sentenced to serve 18 years in a prison labor camp.

There is no collective bargaining and the right to strike is not recognized.

c. Freedom of Religion

In one of several noteworthy developments in church-state relations in 1985, a religious affairs office was established within the Central Committee of the Cuban Communist Party, headed by an official who long has had similar responsibilities in the Government. The Government also announced that foreign rabbis would be allowed to visit and perform religious ceremonies. Fidel Castro met in January 1985 with a delegation from the U.S. Catholic Bishops Conference and in September with the Cuban Catholic bishops. These few steps have been accompanied by efforts of the Government to obtain the church's endorsement for its views on extraneous issues, such as the foreign debt of Latin American countries. These developments have also been at random and have yet to be reflected in any genuine relaxation of controls on free religious expression.

Despite a Cuban constitutional guarantee, Cubans who practice their religion still face discrimination. Religious groups must register with the Government. Religious materials may not be distributed freely in Cuba. Religious belief is not compatible with membership in the ruling Cuban Communist Party, thus virtually excluding religious Cubans from all important positions in the Government.

No provision is made to respect the beliefs of Seventh Day Adventists who object to compulsory work and school attendance on Saturday. No exception to military service is made for conscientious objectors. There are reports that those who refuse to serve for religious reasons will be jailed until

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they either recant or have been imprisoned for at least two to three times longer than others who fail to fulfill their military obligation.

Members of the CDR's monitor attendance at the few neighborhood churches still open, forcing churchgoers to go to large downtown churches where they can remain anonymous. Participation in Communist youth activities is strongly encouraged. Religious and other private elementary and secondary schools as well as universities are not permitted.

In September 1985, a small delegation from the Cuban Catholic Bishops Conference was allowed to visit its counterpart in the United States. Other clergy and lay officials of Protestant (particularly those associated with the Cuban Ecumenical Council) as well as Catholic churches are usually granted permission to travel abroad on church matters. Membership in Jehovah's Witnesses is prohibited, however, and persons identified with that denomination are denied permission to travel abroad. International contacts of all Cuban churches are carefully monitored by the security apparatus.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Domestic travel is unrestricted by law, and Cubans are permitted to change their jobs and residences. In contrast, permission is required both to leave and to re-enter the country. Until recently, nonofficial foreign travel was generally limited to rare cases of special humanitarian concern (e.g., people with critically ill relatives abroad), clergy or lay officials on church business, women over 60 years of age, and men over 65 years of age. Travel by these last two groups has now been severely curtailed.

Emigration is strictly controlled, and those who apply to leave may lose their jobs, houses, and ration books. Moreover, their children may be refused further schooling. In some cases the would-be emigrants are physically and verbally abused. Draft-age males and professionals are usually not permitted to emigrate. Some professionals have reported that the Government will allow them to emigrate only if they pay tens of thousands of dollars, ostensibly to reimburse the Government for the cost of their education. Those who are permitted to emigrate must leave behind almost all their personal and household possessions and are forced to pay discriminatory air fares. They must also pay exorbitant fees for travel documents. These fees must be paid in hard currency, which by law is not available to Cuban citizens; hence it must be obtained from relatives or friends abroad.

On December 14, 1984, Cuba and the United States signed an agreement under which Cuba would allow the re-entry of 2,746 Cuban citizens found to be excludable from the United States, and the United States would reinstitute processing of Cuban applications to immigrate to the United States. In May 1985, Cuba unilaterally suspended the agreement, thus preventing the reunification of thousands of families, many of which have been separated for years or even decades. The Cuban Government has also restricted the travel of individuals resident in the United States who wish to visit their relatives in Cuba, except for "strictly humanitarian purposes." Such travel declined greatly thereafter.

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

Cuba is a one-party Communist state firmly controlled by the Cuban Communist Party, which in turn is dominated by Fidel Castro. Members of the Central Committee and the Politburo are selected by a narrow circle of Party rulers; elections simply ratify choices already made. The National Assembly of People's Power meets briefly twice a year, solely to endorse decisions already made by the Party chiefs. No political opposition is permitted in Cuba; dissidents are either in jail or outside the country. There is no legal way for citizens to change the Government; as a result hundreds of thousands of Cubans have fled their country, and many others would do so if it were not so dangerous.

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

The Government routinely denies that there are any violations of human rights in the country, and it refuses permission for any outside organization to investigate its claims. It refused to permit investigators from the Inter-American Human Rights Commission to visit Cuba, and it told the ILO that "No one in Cuba is under arrest for trade union or labor activities," a patently false assertion. The ILO's Committee on Freedom of Association was considering an International Confederation of Free Trade Unions (ICFTU) complaint alleging the arrest and imprisonment of striking Cuban workers, as well as of workers trying to organize an independent trade union. It was forced to drop the matter in 1984 when it became clear that the Cuban Government's complete control over information prevented further investigation.

Although the International Committee of the Red Cross (ICRC) helped Cuba arrange the repatriation of its nationals from Grenada in November 1983, the ICRC has been refused access to Cuban jails or permission to visit political prisoners. Americas Watch and Amnesty International have also been refused such access. The few human rights activists who are not in jail are forced to carry out their activities clandestinely, and they must rely upon international nongovernmental organizations for support and publicity.

The Government also severely limits the ability of foreign journalists to report on human rights violations or on any other matter that may reflect poorly on the regime. Fidel Castro has boasted about how carefully foreign journalists are kept under surveillance in Cuba. In 1983 two French journalists were arrested and detained for 10 days and then expelled from Cuba because they met with Cuban human rights activist Ricardo Bofill Pages. Bofill was also arrested and spent 2 years in prison. More recently, the Agence France Press correspondent in Cuba was expelled for writing an article on a Cuban law firm--an agency of the Government--that extracts large payments for exit permits for Cubans married to foreigners. The Government asserted that the facts the journalists had disclosed about this practice were insulting to Cuban womanhood. Even abroad, Cuban human rights activists are harassed. The office of the "Committee for Human Rights in Cuba" in Madrid was robbed in October 1985. The thieves stole files, including membership lists, money, and recording material. According to media reporting, the head of the

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committee, Armando Valladares, believes that the crime was political.

Amnesty International Report 1985 expressed concern about long-term political prisoners who were held after expiry of their sentences, as well as the imprisonment of prisoners of conscience, including persons reportedly detained for attempting to exercise their right to leave the country. Freedom House rated Cuba "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Cuba's population of 10,430,164 is growing at an annual rate of 0.99 percent, according to the Communist party daily Granma. Although Cuba claims a per capita gross social product of approximately \$2,500, actual per capita disposable national income is only about \$1,500. In 1950 Cuba ranked third in Latin America in per capita income, had a high literacy rate, and provided comparatively good medical care for its population. The Castro regime thus had a rather well-developed infrastructure upon which to build. The country now ranks around 18th in per capita income, although it claims the highest literacy rate in Latin America. Some progress has been made in medical care, especially in preventive medicine.

Cuba's economy is centrally planned. It receives an estimated \$4 billion annually in economic assistance from the Soviet Union, to which it now owes the soft currency equivalent of \$9-\$23 billion. Its current debt to Western creditors exceeds \$3 billion. Basic necessities are scarce, and items such as rice, beans, meat, clothing, and shoes are rationed. Some rationed items and other consumer goods are available at very high prices on the government-operated "parallel market," created by the Government to absorb excess currency and counteract black market activities. The latter continues to function, presumably tolerated by authorities as an additional means of acquiring hard currency from foreigners or for satisfying consumer demands.

Cuban government statistics show life expectancy now at 74.2 years, and infant mortality at 15 per 1,000 live births. According to these official Cuban figures, the adult literacy rate in 1979 was 95.7 percent for males and 95.1 percent for females. In 1975, 96 percent of the urban population had access to safe water, according to official Cuban claims. However, disorders of a gastrointestinal nature have been fairly widespread. Caloric supply as a percentage of average requirements in 1977 was 116.9, according to Cuban figures. Reflecting the Government's emphasis on basic education, the adjusted primary school enrollment (1982), as a percentage of children of primary school age was stated as 112 percent for males and 109 percent for females.

The standard Cuban work week is 44 hours, consisting of 8 hours each weekday and 8 hours every other Saturday. The minimum monthly wage is 86 pesos per month. All workers receive 1 month of annual vacation. Cubans do not normally begin working before the age of 17 although under some circumstances they may begin working at age 14. Under age 17 they are legally not permitted to work in hazardous conditions or for more than 7 hours a day or 40 hours a week. However, students as young as 12 are required to spend 6 weeks a year performing light agricultural work, such as harvesting fruit,

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for which they receive no wages. Provisions for worker safety and control of industrial pollution are fairly well developed although substantially below standards of the industrialized West.

Although Cuba constitutionally has outlawed discrimination against women and minorities, few women hold high positions in government and the Party. Of the 225 full and alternate members of the Central Committee selected in December 1980, 18 are women. One Politburo member, an alternate, is a woman (a sister-in-law of President Fidel Castro). One woman (the wife of a key member of the Secretariat of the Communist Party) has reached the rank of colonel in the Cuban Armed Forces. Although women make up 37 percent of the work force and 53.8 percent of the technical workers, there is no woman on the National Committee of the Confederation of Cuban Workers.

Blacks and other minorities are poorly represented in the top levels of government. While they comprise more than one quarter of the population (a greater percentage if mulattos are included), their representation on the Central Committee (full and alternate members) is about 10 to 15 percent. Only one of the members of the Politburo (full or alternate) is black.

DOMINICA

A member of the British Commonwealth, Dominica has a system of parliamentary democracy which is a legacy of the pre-1978 British colonial rule. Prime Minister Eugenia Charles was first elected in July 1980 and was reelected in free and open general elections in July 1985. The recently united opposition Labor Party of Dominica (LPD) improved its position in the hotly contested 1985 elections.

The Dominica Defense Force was disbanded in 1981 following two violent coup attempts. The police are now the nation's only security force. A small Special Service Unit with some paramilitary training has been organized within the police force, and a Marine Wing established and trained to function as a coast guard.

Dominica is one of the least developed countries in the Eastern Caribbean. The country has largely recovered from hurricane damage suffered in 1979 and 1980, allowing the Government to focus on encouraging foreign investment and to rehabilitate basic economic infrastructure with the assistance of foreign donors. Slow global recovery from the worldwide recession of the early 1980s, however, has hampered economic progress and the Government's development program.

Dominica's excellent human rights record continued during 1985, without reports of significant human rights violations of any kind.

RESPECT FOR HUMAN RIGHTS**Section 1 Respect for the Integrity of the Person, Including Freedom from:****a. Political Killing**

There were no reports of killing for political motives in 1985.

b. Disappearance

There were no reports of disappearance in 1985.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There were no reports of torture or cruel, inhuman, or degrading treatment or punishment in 1985. In August, six Dominican policemen were charged with manslaughter in connection with the 1981 death of John Rose Lindsay, whose body was found at the bottom of a cliff hours after he was arrested by police. According to press accounts, six other policemen were suspended for alleged misconduct in connection with the Lindsay affair. The charges resulted from an official inquiry.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides that persons arrested be brought before a court within 72 hours and this is honored in practice. The Government adheres scrupulously to constitutional provisions prohibiting arbitrary arrest and imprisonment. There were no reports of arbitrary arrests, or summary exile in 1985.

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Although no legal provision is known to exist against it, forced or compulsory labor is not known to take place in Dominica.

e. Denial of Fair Public Trial

Legal practice provides for public trials before an independent, impartial court. Criminal defendants are presumed innocent until proven guilty, are allowed legal counsel, and have the right of appeal on legal or procedural grounds.

In October 1985, former Prime Minister Patrick John was brought to trial on charges of treason resulting from his alleged complicity in a 1981 coup plot. John was represented by legal counsel, and was free on bail before and during the proceedings. John was found guilty by the jury, and was sentenced to 14 years in prison. He is currently free on bail pending an appeal. Now a member of the opposition Labor Party of Dominica, John was elected to Parliament in the July 1985 general elections. By law, his conviction forces him to give up his seat.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits arbitrary entry, search, and seizure. There were no reports in 1985 of arbitrary government intrusions into the private lives of individuals.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Constitution establishes the right of free expression, which is affirmed in practice. The political opposition freely criticizes the Government. Dominica's only radio station is state-owned, and the principal newspaper is independent but generally favors the ruling Dominica Freedom Party. The opposition staged a boycott of Parliament in August 1985 to protest the Government's decision to end live radio broadcasts of parliamentary sessions.

b. Freedom of Peaceful Assembly and Association

Freedom of association and the freedom to assemble peaceably are honored without exception. Opposition groups hold rallies and meetings without hindrance from the Government.

Labor has the right to organize, to bargain collectively and to strike. Labor unions are independent, but are not a significant political force owing to small memberships. The Banana Growers Association is a strong trade association which plays a significant independent political role.

c. Freedom of Religion

Dominicans are primarily Roman Catholic or Anglican, but a small Muslim community also exists. The 1979 "Dread Act," which prohibits membership in the Rastafarian cult, was repealed, but allegations of harassment of Rastafarians continue.

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d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

These rights are guaranteed by law and honored in practice.

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

Dominica has a freely elected parliamentary system of government in which citizens have a real choice of policies and candidates from the ruling and opposition parties. In the July 1985 general elections, the ruling Dominica Freedom Party won 15 seats in the House of Assembly, the Labor Party of Dominica won 5 seats, and an LPD affiliate, the United Democratic Labor Party, won 1 seat. Candidates from a broad political spectrum were elected, including two candidates educated in Cuba.

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

The Government is responsive to complaints about any human rights violations.

No international human rights organizations have branch offices in Dominica. The Dominica National Workers Union's Human Rights Committee, a Marxist-Leninist organization, occasionally has published allegations of human rights violations in Dominica. The Committee has recently alleged that six men condemned to hang for their participation in a December 1981 attack on police headquarters are imprisoned under inhumane conditions. The Committee claims to have brought this case to the attention of Amnesty International, without response to date.

Freedom House rated Dominica as "free." Dominica is not mentioned in the 1985 Amnesty International report.

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

A small, poor country with a population of 74,000, Dominica has traditionally had a high emigration rate. In 1985, population grew slightly (0.4 percent). The country relies heavily on banana exports and subsistence agriculture. Its estimated per capita gross national product is among the lowest in the Eastern Caribbean region: \$707 in 1982.

The Government emphasizes education. With the help of foreign donors, it has rebuilt many primary schools destroyed by hurricanes in 1979 and 1980. Adult literacy is estimated to be 94.1 percent.

The legal minimum working age is 14. The standard working week is 40 hours in 5 days. Workers are given a minimum of two weeks annual leave. An occupational health and safety law in keeping with ILO standards was passed in 1984. The minimum wage established by law is arguably less than that on which a person can be reasonably expected to live.

The Government has worked hard to improve health care by the construction of public health clinics. Restructuring the public health administration has improved the level of service in rural areas. At 19.6 per 1,000 live births, Dominica has one of the lowest infant mortality rates in the Eastern Caribbean.

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Dominican law does not restrict the role of women in the nation's public or social life. The traditional role of women limited to the home and family is changing rapidly, and improvement in educational opportunities for women, together with the example set by Prime Minister Eugenia Charles, are expected to lead to greater participation of women in Dominica's public life.

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The Dominican Republic is a pluralistic, constitutional democracy with an elected president and a bicameral congress. The Supreme Court heads an independent judiciary whose members are appointed by the Senate. President Salvador Jorge Blanco is in the final year of a four-year term which began in August 1982 following fair and competitive elections. Political parties representing the political spectrum from left to right freely participate in the political process and are actively engaged in preparations for national elections scheduled for May 16, 1986. The military is fully responsive to the civilian governmental authorities and committed to constitutional order.

The Dominican Republic is a middle to lower income, developing country with a mixed economy based primarily on agriculture and services. Partly as a result of the 1930-1961 dictatorship of Rafael Trujillo, the Government still accounts for 20 to 25 percent of the gross domestic product and controls several major industries. The national income is unevenly distributed, but there is a significant middle class. Historically, sugar has been the Dominican Republic's principal export. Faced with the prolonged depression of the world sugar market and low prices for its other agricultural exports, the country has confronted a serious economic crisis since 1982. To address these problems, the Government has undertaken difficult economic austerity and financial adjustment measures based on agreements with the International Monetary Fund (IMF). As a result, living standards have fallen, especially for the poor and lower middle class majority.

During 1985, Dominicans continued generally to exercise and enjoy the broad range of human rights guaranteed them under the 1966 Constitution. The political environment remained unrestricted, and individuals and political groups freely debated and criticized the policies and programs of the Government. Preparations for the May 1986 elections moved forward. While opposition to the Government's economic austerity measures led to periodic protests and strikes, there was not a repeat of the violent disturbances which occurred in April 1984. On several occasions the Government temporarily detained Communist and other leftist political leaders as well as some labor leaders on the grounds that they were preparing illegal protest actions that would disrupt the civil peace. Although they have charged harassment, those detained were routinely released within the 48-hour constitutional limit for detention without charges.

RESPECT FOR HUMAN RIGHTS**Section 1 Respect for the Integrity of the Person, Including Freedom from:****a. Political Killing**

There were no known politically motivated killings in 1985. However, there have been allegations that government and police authorities may have been involved in the murder of a foreign exchange trader, Hector Mendez, and his chauffeur in January 1985. The Government has made arrests and charged that the murders were perpetrated by terrorists seeking to raise funds for radical leftist political activities. The trial is pending. Also, a youth was apparently shot and

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killed in March during clashes between police and students demonstrating in favor of a larger budget for the Autonomous University of Santo Domingo.

b. Disappearance

There were no credible reports of politically motivated disappearances in 1985. A local, private human rights organization, The Dominican Human Rights Committee, and the International League for Human Rights issued reports in June which denounced 58 alleged disappearances between 1981 and 1984. Also, Haitian refugees resident in the Dominican Republic have asserted that Israel Valmy and two other Haitian refugees disappeared after being arrested by government security forces in May. There is no reliable evidence to suggest that these alleged disappearances were politically motivated or involved the Government.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture, and it is not practiced. In 1985 there was a series of reports of police and security force abuse of prisoners, including the well-publicized death of popular band leader Tony Seval while in custody. The press routinely reports cases of police abuse. Prisoners and their families have access to the press which contributes to deterring cruel, inhuman, or degrading punishment and encourages the Government to take corrective action. In most instances, government and police officials have indicated a concern to redress improper behavior by police, but they have not always effected the needed changes. Members of the National Police on the northern coast who abused tourists and extorted money were punished and removed from the force. However, other reports of extortion continue.

The individual arrested and charged with the January murder of the local foreign exchange trader, Mendez, has since asserted that he confessed to the crime only after the police had threatened him and his family and tortured him. The case is still pending trial.

The inadequately financed prison system suffers from unsanitary conditions and overcrowding. The overcrowding results in part from the slowness of the judicial process under which many prisoners remain in custody while awaiting trial. Financial constraints continue to handicap the Government's ability to improve the prison situation. Judicial authorities are studying measures to modernize the trial process and otherwise reform the administration of justice.

d. Arbitrary Arrest, Detention, or Exile

There are no known instances of arbitrary arrest, illegal detention, or exile of individuals for expressing views contrary to or critical of the Government.

On several occasions in the first half of 1985, the Government detained members of radical leftist parties, labor organizations, and populist groups who were instigating or preparing to instigate public disturbances to protest economic austerity measures. Those so detained were usually released within 48 hours, which is the maximum period stipulated by the

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Constitution for holding suspects for investigation before arraignment. On February 5, for example, the Government arrested 14 leftist political and labor leaders who were involved in preparations for a nationwide general strike set for February 11, and charged them with activities prejudicial to public peace and constitutional order. The Attorney General issued a release order for the 14 on February 12, in response to a writ of habeas corpus ordered by the courts.

There appears to be no evidence of policies or practices of forced labor, although isolated incidents may occur involving seasonal Haitian canecutters employed in the country's sugar industry. The Haitian canecutters can quit their jobs and are free to leave the plantations, but those who are illegal residents and those under contract to the State Sugar Council who have abandoned their jobs are subject to deportation. They are not forcibly returned to the fields.

An agreement concluded in October 1984 between the Government of Haiti and the Dominican State Sugar Council (CEA) provided improvements in the situation of Haitian agricultural workers in the Dominican Republic. Among other provisions, the agreement reduces the possibility of forced labor by: (1) providing that Haitian workers be informed of the location where they are to work upon their arrival at the Dominican border; (2) abandoning the practice of transferring workers from one sugar plantation to another; (3) permitting Haitian workers to retain their own travel documents; and (4) providing vehicles equipped with loudspeakers to inform the workers in Creole of their rights and obligations.

e. Denial of Fair Public Trial

There are no known political prisoners.

The Constitution guarantees a public trial. No special court for political or national security cases exists, and civilians may not be tried by a military court. Members of the armed forces are not tried by civilian courts, except under specified circumstances and only after a military board has reviewed the case and decided to permit the case to pass to the civilian courts. The appeals procedure, which includes appellate courts and the Supreme Court, is widely utilized. Court-appointed lawyers are usually provided at public expense to indigents only in criminal cases. They are seldom provided in criminal misdemeanor cases where their provision is at the court's discretion. Prosecuting attorneys are appointed by the executive branch.

Judges at all levels are selected by the Senate and are independent of the executive branch, subject to removal or transfer by a majority vote in the Senate. Their terms of office correspond to that of the President and other elected officials, ending on the last day of the incumbent administration regardless of date of appointment. Judges have displayed independence in their actions and are not known to persecute opponents of the administration. However, judges earn a relatively low salary, and the fairness and quickness of some trials have been subject to influence and manipulation. There is a widespread public belief, buttressed by some concrete reports, that judges and prosecutors at the lower court level accept bribes.

Judges engaged in a nationwide strike between July and October, demanding higher salaries, better working conditions,

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and more resources for the judicial branch. During this period the administration of justice came to a virtual standstill. The strike was resolved when the Government raised the salaries of judges, promised additional financial resources for the courts, and agreed to permit the judicial branch to administer its own budget.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There have been no reports of arbitrary governmental interference with the private lives of individuals or families. Constitutional safeguards against invasion of the home are normally observed. A residence may not be searched unless the search is made in the presence of a prosecutor or an assistant prosecutor, except in cases of "hot pursuit" or when there is a probable cause to believe that a crime is actually occurring within the residence. Because of theft within the postal department there is little public confidence in the mail system.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

These liberties are guaranteed by law and respected. Dominican newspapers are privately owned and freely reflect opposition points of view and criticism of the current Government. The numerous privately owned radio and television stations air all political points of view. Moreover, there are frequent exchanges of views between government officials and all media elements.

There is no government censorship on political grounds. However, there have been cases in which the Government has taken action against media elements. For example, during strikes and protests which followed the Government's January 23 announcement of economic austerity measures, some journalists were temporarily detained by security forces and removed from the scene of disturbances. Also at this time, the Government acted to prohibit mobile radio units from entering areas of Santo Domingo where strikes or disorders were occurring, ostensibly to avoid inciting further disorders. This restriction was subsequently lifted.

In addition, there have been charges, denied by government spokesmen, that the Government sought to pressure the media against actively covering all aspects of the Hector Mendez murder case. Concern has also been expressed by some newspapermen and opposition politicians that the Government seeks to pressure and influence the media through its large advertising budget and the manner in which it distributes paid government advertisements to the newspapers, television, and radio stations.

In December, the media and political opposition criticized the Government for ordering a privately owned television station to remain off the air and for allegedly playing a role in the cancellation of a talk show on another channel. In the first case, the station was owned by a prominent political figure of an opposition party. In the latter, the show's host had scheduled an interview with the leader of a rival faction within the ruling party. The Government has stated that the

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station was ordered off the air for technical irregularities in its transmissions and has denied any role in the talk show's cancellation.

While customs authorities from time to time confiscate Communist literature, books of all political persuasions are readily available for public sale. University autonomy and academic freedom are respected by the Government.

b. Freedom of Peaceful Assembly and Association

Freedom of peaceful assembly and association is guaranteed by the Constitution. Outdoor public marches and meetings require official government permits which are routinely granted. Throughout 1985 there were numerous such gatherings of parties and groups of diverse political orientations. Likewise, indoor gatherings of political parties, labor unions, and other associations are unrestricted.

Labor unions have not historically played a significant role in the Dominican Republic, and less than 15 percent of the labor force is organized. The trade union movement is highly fragmented--there are eight national labor confederations--and very politicized. Moreover, the confederations exercise only a limited degree of control over their affiliates. Between October 1983 and mid-1985, however, over 250 new unions were officially recognized. Many of the confederations are affiliated with regional and international labor organizations.

Approximately one-third of Dominican organized labor is Communist controlled or influenced. The politically affiliated labor organizations frequently pursue partisan political objectives rather than workers' economic demands. The Government has on occasion briefly detained labor union leaders in order to stop strikes or other labor actions it considered illegal. Rising unemployment and the continued deterioration of the nation's economy have hampered the growth of organized labor. Unions have the right to negotiate and to strike, even though they operate under the handicap of a dated labor code written during the Trujillo dictatorship that gives unions few rights vis-a-vis management. For example, there is no effective protection for organizers or union officials. The current administration has, however, given unions more leeway under the existing legislation than previously and has proposed legislation to modernize the labor code and enhance universally recognized labor rights.

Professional organizations of lawyers, doctors, journalists, and others function freely. Like the unions, these organizations are free to maintain relations with counterpart international bodies of diverse political philosophies.

c. Freedom of Religion

Discrimination on racial, religious, or ethnic grounds is prohibited by the Constitution. There are no religious requirements to hold public office, no restrictions on the practice of religious faiths, and no social discrimination based on religion. However, approximately 95 percent of the population is Roman Catholic, and the Church's preeminent position is accepted by the populace at large and is recognized in the Concordat between the Dominican Republic and the Holy See.

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d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no unusual restrictions on travel within or outside the country. Many political exiles returned after a 1978 amnesty, but a legal ban on the return of certain members of the Trujillo family still exists.

The status and treatment of Haitians living in the Dominican Republic has been criticized by the press and the public, both in the Dominican Republic and abroad. The Haitian community of approximately 500,000 is composed mainly of illegal immigrants seeking employment and better living conditions. This figure also includes between 400 and 450 individuals, most opponents of Haitian President Duvalier, who have received "political refugee" status from the Dominican Government. Illegal immigrants are routinely deported under Dominican immigration law, while those seeking political refuge are not repatriated if the Government determines that they have a legitimate fear of persecution. There are restrictions against foreigners engaging in political activity directed against another country.

In September, several Haitians with political refugee status in the Dominican Republic, who maintained that they were politically persecuted, were freely permitted to depart the country for Costa Rica. In October, two groups consisting respectively of six and seven Haitian residents of the Dominican Republic occupied the Venezuelan Embassy and the Italian Ambassador's residence in Santo Domingo. The Haitians, recognized as political refugees by both the Dominican Government and the United Nations High Commission on Refugees, charged that they were being politically persecuted by Haitian security forces in the Dominican Republic and requested asylum. The Dominican Foreign Ministry issued a communique rejecting the Haitians' charges, guaranteeing the safety of the refugees, and noting that the Haitians were completely free to leave the Dominican Republic if they desired. Subsequent Dominican government declarations stated that neither foreigners nor Dominicans are allowed to intimidate residents of the Dominican Republic and denied that Haitian intelligence agents operate inside the country.

At the request of the concerned embassies, Dominican police on November 2 removed all those Haitians who had not previously departed the premises: three in the Venezuelan mission and six in the Italian residence. The Haitians were not detained by Dominican authorities.

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

The Dominican Republic is a functioning multiparty democracy in which governments are freely elected by the citizenry. Opposition groups of the left, right, and center are allowed to operate openly. The change in ruling parties brought about in the 1978 elections, and the free and fair elections held in 1982, demonstrate the established right of citizens to change their government via the ballot box. The ample participation of the opposition Social Christian Reformist Party and the pro-Cuban Dominican Liberation Party in the independent Dominican legislature underlines the climate for pluralism and political participation. Political parties and other political movements are freely engaged in organizational

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efforts and in campaigning for the national elections scheduled for May 16, 1986. In addition, the Central Electoral Board, an independent government body charged with administering the elections, has begun preparations to assure open, honest elections.

In November, the internal nominating process of the ruling Dominican Revolutionary Party (PRD) was marred by irregularities and violence. Vote counting to determine the PRD presidential candidate was interrupted by a violent confrontation between rival bands inside convention headquarters the day after the party's convention and primary election. The official vote count had not resumed by the end of the year.

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

The Dominican Republic participates actively in international and regional human rights bodies and supports human rights issues in international forums. International human rights organizations have been allowed free access to the country. The Government has cooperated fully with the investigation into the sensitive subject of the treatment of Haitian refugees and migrant workers. At the June 1985 meeting of the International Labor Organization (ILO) Conference Committee on the Application of Conventions and Recommendations, the Dominican Government submitted a report identifying the changes it had introduced to improve the working conditions of Haitian sugar canecutters in the country. The report, which was generally well received, responded to criticisms contained in a 1983 ILO report on the situation of Haitian seasonal agricultural workers.

Private organizations which freely report and comment on alleged human rights violations include the Dominican Human Rights Committee (CDH) and the Dominican Union for the Defense of Human Rights (UDHU). The major allegations of these organizations in 1985 were that the detention of leftist and labor figures was a means of harassment rather than investigation, and that the public order was not threatened by the actions or plans of those detained. The CDH also charged that there were 58 disappearances between 1981-1984, although the group did not assert that the majority of the disappearances were politically motivated or government-instigated. Rather, the CDH seemed to fault the Government for its failure to investigate adequately the disappearances. The Government has not harassed these organizations for their criticism of official actions or policies.

In June the U.S.-based International League for Human Rights, drawing on information provided by the CDH, presented a report to the United Nations Working Group on Involuntary and Forced Disappearances which denounced 58 disappearances in the Dominican Republic. The report failed to present evidence that these were political disappearances.

Amnesty International Report 1985 (covering 1984) expressed concern about "numerous short-term arrests of individuals, some of whom it believed may have been held on suspicion of non-violent opposition to the government." Freedom House rates the Dominican Republic "free."

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ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The Dominican Republic is a poor country with a population of approximately 6.6 million and an estimated annual population growth rate of 2.5 percent. Half of the population is under 16 years of age. Since the early 1980's the low international price of sugar, the country's principal export, and the high cost of petroleum and other imports have seriously hurt the economy. Per capita income is estimated to be about 1370 pesos per year. At the floating exchange rate of approximately 3 pesos to \$1 (December 1985), per capita income is less than \$460 per year. Unemployment, now estimated between 25 and 30 percent, is on the increase as economic growth has slowed and more individuals enter the labor market. At least another 20 percent of the labor force is believed to be underemployed. Poverty is widespread.

Per capita calorie consumption barely meets minimum requirements, and only 59 percent of the population enjoys access to potable water. Health conditions are poor, particularly in the rural countryside. In 1985 major vaccination campaigns were continued by the Government to address some of these problems. In 1985, life expectancy at birth was 63.7 years, and the infant mortality rate was 73.8 per 1,000 live births. Primary school enrollment is claimed to be over 90 percent, but some observers estimate the rate is closer to 75 percent. The literacy rate is 67 percent.

Throughout the long and difficult negotiations with the International Monetary Fund in 1983 and 1984, the Government remained continually conscious of the impact of adjustment and austerity on the Dominican people. Although some offsetting measures taken by the Government may have been ill-advised in the eyes of some economists, they have doubtless made the adjustment process more socially and politically tolerable to the average Dominican.

The Dominican labor code prohibits employment of youths under 14 years of age, and restricts the nighttime employment of youths ages 14-18. The labor code also provides that employees under 18 work no more than eight hours a day, and, in addition to other limits on youth employment, specifies that those 18 years and younger will not be employed in dangerous or unhealthy jobs. In practice many of the restrictions in the labor code are ignored. Young people, including minors less than 14, engage in a wide variety of work which technically violates the labor regulations. For example, the labor code's provisions regulating vendors and shoeshine boys are not enforced.

In 1985 the Government, recognizing the hardships entailed by the rising cost of living, took steps to raise the basic minimum monthly salary from 175 to 250 pesos (approximately \$58 to \$83) for both public and private sector employees (with some smaller businesses exempt from the new pay scale). At the same time, the minimum daily wage for agricultural workers was raised from 5 to 6 pesos. The labor code establishes that all workers are entitled to 24 hours of rest after six days of work; in practice, a typical work week is Monday through Friday plus half a day on Saturday. Safety and health conditions at the workplace do not always meet acceptable standards. The existing social security system is inadequate, although legislation to expand and improve it is before the Congress.

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Sexual and racial discrimination are prohibited by law and women's political rights have been recognized in legislation since 1942. Forty-seven percent of registered voters are women, and women hold both elective and appointed offices in the Government. The Jorge Blanco administration has established an office to encourage the advancement of women, and in 1983 the United Nations International Research and Training Institute for the Advancement of Women set up its headquarters in Santo Domingo. Divorce is easily attainable by either spouse, and women can hold property in their own names apart from their husbands. Nonetheless, women traditionally have not shared equal social and economic status or opportunity with men.

There is subtle social discrimination against darker skinned Dominicans, although this has not prevented their success in a variety of fields, including elected political office. Dominicans, for historical reasons and because of sharp cultural differences, are generally prejudiced against Haitians. This prejudice carries over to the minority in the population who are Dominicans of Haitian descent. These prejudices, social tensions, and historical enmities sometimes result in violence which affects the Haitian migrant workers who enter the country under contract to cut sugar cane. In June, at least one, and possibly seven, Haitian canecutters, as well as one or more Dominicans, were killed during disturbances at a Dominican State Sugar Council plantation at Triple Ozama near Santo Domingo. The exact circumstances of the deaths are unclear, but it appears the incident stemmed from Haitian frustration at delays in the repatriation process. Although the conditions of the migrant Haitian workers have improved over the situation which existed several years ago, the incident underlines the fact that problems remain.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: DOMINICAN REPUBLIC

	1983	1984	1985	
I.ECON. ASSIST.-TOTAL...	63.2	98.2	168.1	
LOANS.....	52.4	85.3	54.4	
GRANTS.....	10.8	12.9	113.7	
A.AID	34.6	64.4	125.5	
LOANS.....	29.4	56.8	13.9	
GRANTS.....	5.2	7.6	111.6	
(SEC.SUPP.ASSIST.)...	8.0	34.0	95.0	
B.FOOD FOR PEACE.....	25.3	31.3	42.4	
LOANS.....	23.0	28.5	40.5	
GRANTS.....	2.3	2.8	1.9	
TITLE I-TOTAL.....	23.0	28.5	40.5	
REPAY. IN \$-LOANS.....	23.0	28.5	40.5	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	2.3	2.8	1.9	
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0	
VOL.RELIEF AGENCY.....	2.3	2.8	1.9	
C.OTHER ECON. ASSIST...	3.3	2.5	0.2	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	3.3	2.5	0.2	
PEACE CORPS.....	2.2	2.3	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	1.1	0.2	0.2	
II.MIL. ASSIST.-TOTAL...	6.6	6.4	8.7	
LOANS.....	5.0	2.5	3.0	
GRANTS.....	1.6	3.9	5.7	
A.MAP GRANTS.....	1.0	3.2	5.0	
B.CREDIT FINANCING....	5.0	2.5	3.0	
C.INTL MIL.ED.TRNG....	0.6	0.7	0.7	
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E.OTHER GRANTS.....	0.0	0.0	0.0	
III.TOTAL ECON. & MIL...	69.8	104.6	176.8	
LOANS.....	57.4	87.8	57.4	
GRANTS.....	12.4	16.8	119.4	
OTHER US LOANS.....	0.0	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	0.0	0.0	
ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	1946-85
TOTAL.....	168.4	119.2	192.8	1272.0
IBRD	7.1	3.9	5.8	302.1
IFC	10.5	0.0	0.0	26.1
IDA	0.0	0.0	0.0	22.0
IDB	150.0	113.7	187.0	888.8
AIB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.8	0.3	0.0	25.9
OTHER-UN	0.0	1.4	0.0	7.1
EEC	0.0	0.0	0.0	0.0

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Ecuador is a constitutional republic whose main political institutions, the Presidency and the National Congress, are determined by free elections. An independent judiciary is presided over by the Supreme Court, which is selected by the Congress. Since 1979, when elections ended seven years of military rule, two democratically elected administrations have demonstrated strong support for the principles of representative government and civil liberties stipulated in the Constitution. Over a dozen political parties and a free and partisan press create a lively and contentious democratic environment.

The President exercises control over the police through the Ministry of Government. In 1985 local human rights organizations alleged various instances of police brutality, especially in the interrogation of suspected terrorists. Terrorist activities of the Alfaro Vive Group (allied with the Colombian-based 19th of April Movement, or M-19) increased in number and intensity during the year. A widely publicized kidnaping of a Guayaquil businessman in August resulted in the deaths of a number of terrorists, some while in police custody, as well as the innocent victim.

In an essentially free enterprise economic system, Ecuador has had for many years a broad-based and varied labor movement. But Ecuadorean society is also marked by extensive rural poverty, especially among the indigenous Indian populations.

Despite a worsening security situation resulting from an increasingly active domestic terrorist movement, very poor prison conditions, and a criminal justice system characterized by long delays in bringing individuals to trial, Ecuador was able to maintain generally high human rights standards in 1985.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There were no substantiated charges during 1985 of government forces killing political opponents.

A prominent Guayaquil businessman, Nahim Isaias, kidnaped August 7 by Alfaro Vive and M-19 terrorists, died along with four of his captors during an unsuccessful rescue attempt on September 2. Official accounts indicate Isaias was shot by the kidnapers at the onset of the rescue attempt. Later, two leading M-19 terrorists involved in the kidnaping died in police custody during a routine prison transfer. The police reported the prisoners were shot in an abortive escape attempt.

In another incident, police arrested a Guayaquil political organizer and one-time supporter of President Leon Febres-Cordero following a lengthy manhunt. The prisoner then confessed to charges that he had tortured and murdered a political opponent (an alternate member of Congress). The President denounced the murder publicly and promised impartiality in the prosecution of the case.

As in past years, human rights groups periodically charged local government indifference to or complicity in the deaths of rural inhabitants allegedly killed in land disputes.

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b. Disappearance

There were no reported instances of government-instigated abduction or disappearance in 1985. There have been reports of brief abductions of newspaper and television reporters by the Alfaro Vive group, presumably in order to relay messages from the terrorists to the general public. A businessman frustrated an Alfaro Vive attempt to kidnap him on December 19. Five persons tried to force him into a car and shot him in the mouth and shoulder when he put up a struggle. He wounded one of the abductors before getting help from others in driving off the attackers.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is prohibited by law. Harsh handling by police in the capture and interrogation of criminal suspects does occur but is not condoned by the Government. In a much publicized case, a former high-ranking government official accused the police of beating his son, a suspect in the Isaias kidnapping, during interrogation. The son later died from injuries received during his capture.

Ecuadorean prisons are generally acknowledged to be overcrowded, unhealthy, and harsh. While contrary to prison regulations, solitary confinement and beatings are used for disciplinary reasons. Prisoners with money can pay prison officials to avoid punishment and improve their living conditions.

d. Arbitrary Arrest, Detention, or Exile

Preventive detention is illegal, and the criminal code forbids isolated confinement for more than 24 hours and detention without charge for more than 48 hours. In some instances, however, people have been held beyond these time limits. Mayors and municipal council presidents are constitutionally empowered to grant habeas corpus. In practice, habeas corpus and bail are granted liberally, irrespective of the severity of the charges. There is no forced or compulsory labor and forced exile is not practiced.

As the terrorist activities of the Alfaro Vive group increased during 1985, human rights activists accused the Government of illegal arrests and detention of suspected terrorists. There were a number of reports of arrests made without proper warrants. Opposition politicians also accused the Government of using the judicial system to harass members of the previous Government.

The judicial system suffers from a chronic case backlog, frequently resulting in prison stays of up to two years for detainees awaiting trial. Much of the overcrowding of the prisons is a result of the large number of these suspects. However, time spent in prison awaiting trial counts toward completion of the final sentence for those convicted. On the other hand, some other long-term detainees, when eventually tried, are found innocent.

e. Denial of Fair Public Trial.

Defendants have the right to counsel, to face their accusers, to refrain from testifying against themselves, and to appeal

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their sentences to intermediate or higher courts. Although a public defender system is mandated in the Constitution, this provision has not yet been implemented.

The Congress elects the Supreme Court and has the power to impeach judges, fix the judicial branch budget, and ratify the Supreme Court's judicial review decisions. Since the Government of President Febres-Cordero took office in August 1984, there has been a continuing conflict between the Executive and the Judiciary over the use of presidential power. Political opponents of the President claim that he has undermined the Constitution through his running dispute with the president of the Supreme Court (who is a member of an opposition party) and by his efforts to change the court's composition to reflect his own political philosophy.

As in most civil law systems, there is no trial by jury, and judges play a central role in investigations as well as in deciding guilt or innocence. Legal investigations as well as prosecutions are carried out by the Attorney General, Solicitor General, and the provincial prosecutors. These judicial branch officials defend state interests in criminal and civil cases, receive complaints against judges, conduct fiscal inspections of lower courts, and provide often influential legal opinions to all court cases.

Most judges and law enforcement officials are seriously underpaid and thus susceptible to corruption. In addition, they are hampered by an unmanageable backlog of cases, and lack sufficient technical expertise and budgetary resources to conduct thorough investigations. Another problem, according to some judicial branch spokesmen, is that utilization of the multiple levels of appeal often results in excessive reversals of lower court convictions.

The autonomous Constitutional Guarantees Tribunal, consisting of representatives of the presidency, congress, judiciary, municipalities, and business and labor sectors, may investigate charges of constitutional or human rights violations. However, in the midst of a fractious debate with the Congress over a new minimum wage bill in March the President, ignored a ruling from the Tribunal, which had sided with the opposition-controlled Congress. (The Tribunal is chaired by a member of the Central Committee of Ecuador's Communist Party, which forms part of the opposition.)

Military courts are empowered to try only those cases involving acts against military installations and the infractions of military regulations.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government respects the sanctity of the home and privacy of correspondence. The law requires police to have a warrant before entering a home except in the case of hot pursuit, and generally, this legal requirement is observed in practice. However, in 1985 human rights activists claimed that security forces were involved in a number of surreptitious entries. These claims have not been substantiated in legal proceedings.

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Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Constitution guarantees freedom of speech and expression. This right is vigorously exercised in the Ecuadorean mass media, which are essentially privately owned and free from direct government control. Twelve principal dailies, dozens of weeklies and magazines, ten television stations, and more than 450 radio stations operate in Ecuador and present to the general public a wide variety of political opinions.

The political opposition, however, claims that the Government of President Febres-Cordero has used indirect methods to pressure the media to conform politically. One specific charge is that officials directed government-paid advertising away from the Quito daily "Hoy," because this newspaper has been more openly critical of government policies than others. The Inter-American Press Association issued a report in March criticizing the Government for taking reprisals against media representatives opposed to it and for denying government advertising to them.

In a controversial move, the Government prevented the opening of a new television station owned and managed in part by political adversaries. Authorization to operate this station had been issued by the outgoing administration of former president Osvaldo Hurtado three days before it left office. The Government cited technical violations of the communications law. The Government's action is being contested through the judicial system. The Inter-American Broadcasting Association sent a team to Ecuador to investigate the matter but has not yet issued a report of its findings. The Ecuadorean criminal code prohibits written or oral statements which defame or demean public officials, government institutions, or national symbols. In September, controversial Guayaquil Mayor Abdala Bucaram fled the country rather than face possible imprisonment on charges of defaming the President, spreading false rumors about the Government's handling of the Isaias kidnapping, and slandering the Armed Forces (the latter in a newspaper interview published in New York).

There is no political censorship of foreign or domestic books, films, or works of art. There is no government interference with academic inquiry.

b. Freedom of Peaceful Assembly and Association

The right to free assembly and association is established in the Constitution and observed in practice. Public rallies require prior approval from local governments, but this is generally granted. In March, however, the Government denied a parade permit to workers participating in a nationwide strike.

All private sector employees and government blue collar workers enjoy the right to organize unions, bargain collectively, and strike. Government white collar workers may not legally strike, and their labor organizations are not recognized by the Government as full-fledged unions with bargaining rights. Labor organizations represent perhaps 15 percent of the country's economically active population. Organized into four major confederations and many independent unions, the labor movement reflects widely different political orientations.

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The labor code provides for a considerable government role in the resolution of disputes between labor and management, especially through the Ministry of Labor's conciliation tribunals. Trade union leaders are elected by their membership. The Constitution provides for formal labor participation in government through representation on the executive boards of several national institutions. The labor leadership meets regularly with the Minister of Labor and other senior government officials to discuss ongoing sectoral problems.

In January, workers striking to protest increases in the price of gasoline and public transport were arrested by police during a public demonstration. The International Labor Organization Committee on Freedom of Association, after receiving formal complaints from labor confederations representing the workers, concluded in its report on the January incident that workers have the right to strike in defense of their social and economic interests, and that police intervention in strike action should be limited to the maintenance of law and order. The Government argued that the nation-wide strike was illegal under Ecuador's labor code because it was not called in connection with a collective bargaining dispute.

c. Freedom of Religion

Although overwhelmingly Roman Catholic, Ecuador has no state religion and all are free to practice the religion of their choice. Clergymen, by local law, may not become high-level elected or appointed government officials.

Foreign missionaries of many faiths have operated freely in Ecuador for many years. Radio HCJB, the Voice of the Andes, a U.S.-based evangelical broadcasting company in Ecuador, is a world-wide, multilingual shortwave radio service which also broadcasts domestically on FM and AM.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Ecuadoreans may travel freely at home or abroad. There is no discriminatory treatment of women or other groups with regard to travel, emigration, or repatriation. Individuals from other Latin American countries have readily found asylum in Ecuador. No cases of involuntary repatriation of persons fleeing political persecution were reported in 1985.

In March the Government issued a decree simplifying the bureaucratic procedures for, among other things, certifying citizenship of Ecuadoreans born or living abroad. The result has been to ease difficulties encountered by Ecuadorean citizens traveling to and from Ecuador.

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

Ecuador is a multiparty democracy with 17 registered parties representing the full political spectrum. Thirteen of these parties, including two Marxist parties, have representatives in the unicameral national congress. Ecuadoreans 18 years of age and over have the right to vote. Voting is mandatory for literates and voluntary for illiterates. Political participation and suffrage are open to all citizens without

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discrimination as to sex, ethnic group, or socioeconomic status. All citizens have the right to form and join political parties. Groups not fulfilling party certification requirements, which include obtaining a minimum number of signatures of previously unaffiliated voters, are not entitled to field candidates.

Since the return to democracy in 1979 after seven years of military dictatorship, Ecuadorean politics is characterized by strident partisanship and shifting alliances among diverse political groups. Strong political rivalries among individuals and ideological and regional differences account for much of the rough and tumble nature of the political arena. In public and in private, the current President has reiterated his support of democratic principles. His inauguration in August 1984, was the first peaceful transfer of power in Ecuador from one democratically elected government to another in 24 years.

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

The Government maintains an open and constructive approach to international human rights issues. An Ecuadorean is a member of the Human Rights Committee of the U.N. Covenant on Civil and Political Rights and the U.N. Committee on the Elimination of all Forms of Racial Discrimination. In February Ecuador became a signatory to the U.N. Convention Against Torture and Other Cruel, Inhuman, and Degrading Treatment and Punishments. On this occasion, Ecuador publicly reaffirmed its "firm defense of the observance of human rights" and its support for previous U.N. resolutions on this subject.

No well-founded allegations of human rights abuses were lodged against the Ecuadorean Government by international or domestic human rights groups in 1985. Domestic human rights bodies are free to investigate human rights practices within the country. Representatives of the International Labor Organization's regional office in Lima travel regularly to Ecuador in order to consult with government officials on labor policies and programs.

The regional Latin American Human Rights Association (ALDHU) is headquartered in Quito. There is also a local office of Amnesty International. Locally active human rights organizations include the Catholic Church-sponsored Ecumenical Commission on Human Rights (CEDHU) and the National Human Rights Commission. During 1985 individual human rights activists occasionally met with Ministry of Government officials to discuss human rights concerns. A human rights office has been established in the Foreign Ministry. In consultation with the Ministry of Government is responsible for providing detailed, responsive replies, to queries from outside Ecuador concerning human rights matters. Amnesty International Report 1985 does not comment on Ecuador. Freedom House rates Ecuador "free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Ecuador's population of 9.3 million is divided nearly equally between urban and rural residents. After a 3.4 percent yearly growth rate during the 1962-74 period, the country's population is now increasing annually by about 2.8 percent.

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The World Bank calculated Ecuador's per capita gross national product in 1983 at \$1430. The economy is mixed, with the private sector contributing 60 percent of the nation's production. Key activities, such as petroleum, telecommunications, and much of the aviation and energy industries, are under Government control.

The economy has been recovering slowly from a regressive period that existed from 1978-1983. In 1983 world recession and the destructive effects of the "El Nino" weather phenomenon contributed to a 3.1 percent negative growth rate and to an inflation rate of 52 percent in 1983. The year 1984 saw economic growth rebounding to about 4.1 percent, and inflation reduced to 25.1 percent. Although Ecuador lacks precise unemployment statistics, official and semi-official sources have calculated that open urban unemployment was 12 to 15 percent in 1983, and was probably reduced to the 8 to 11 percent range in 1984. Unemployment and underemployment remain persistent problems, with an estimated 50 percent of the work force employed only part-time or temporarily.

Considerable strides have been made during the past decade in the areas of health and education, especially under the 1979-84 national development plan. The World Bank calculates that in 1985 the average life expectancy at birth was 63.7 years and infant mortality rate was 63.1 per 1000. The caloric supply in 1977 was reported to be 90.61 percent of nutritional requirements. Nonetheless, the Ecuadorean Center for Population Studies and Responsible Parenthood estimates that 40 percent of preschool children and about 90 percent of the rural population suffer from malnutrition. Health care is improving owing to expanded delivery systems and an increased number of doctors. However, many facilities continue to lack adequate numbers of trained personnel and modern equipment.

According to the World Bank, 45 percent of the population in 1980 (82 percent in the cities and 16 percent in the countryside) had access to potable water. The Febres-Cordero administration has focused particular attention on fulfillment of the President's electoral campaign promise to provide more "bread, housing and employment." Housing represents an area of immediate concern. Although the average household size has dropped from 5.0 to 4.1 from 1974 to the present, the overall housing deficit is estimated at approximately one million units.

World Bank statistics for 1974 indicated an adult literacy rate of 74.2 percent, of which the urban rate was 90.3 percent and the rural rate was 61.8 percent. Male literacy was 78.2 percent while female literacy was 70.4 percent. According to statistics provided by the National Statistics and Census Institute (INEC), the literacy rate was raised in 1983 to 85.5 percent (92.2 percent in urban areas and 78.5 percent in rural areas). An estimated 30 percent of school-age children in rural areas do not attend school. The low quality of public education at all levels has caused serious concern on the part of government officials and private industry.

According to Ecuador's labor code, employment of minors under the age of 18 requires parental permission. This regulation is generally observed in larger enterprises. However, a large percentage of rural children are part of the active work force. The standard work week is 40 hours with generous paid annual vacations prescribed by law. Ecuador enforces a minimum wage law.

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Safe and healthy working conditions are mandated by law and employers are responsible for maintaining such conditions. The autonomous Social Security Institute monitors complaints in this area and has legal power to enforce compliance.

The Ecuadorean Constitution establishes complete legal equality for men and women. However, owing to the female's traditional role in Latin American societies, there are few highly placed women in the political structure. Fewer than 15 percent of the candidates for elective office in 1984 were female. Three of the 71 congressional deputies elected in 1984 were women; no woman served in the previous congress except as an alternate. Several deputies are also of Indian or mixed ethnic origin. Several women, including a provincial governor and two vice ministers, serve in prominent positions in the present Government. By contrast, women still suffer some discrimination under civil law, despite considerable progress in recent years. In divorce matters and in the right of inheritance, the male continues to enjoy preferential status as head of the household.

The indigenous Indian population is primarily rural and poor, although there is no overt or legally sanctioned discrimination practiced against them.

U.S. OVERSEAS - LOANS AND GRANTS - OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S. FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: ECUADOR

	1983	1984	1985	
I. ECON. ASSIST.-TOTAL...	26.7	28.9	48.5	
LOANS.....	2.7	14.0	21.3	
GRANTS.....	24.0	14.9	27.2	
A. AID.....	21.5	22.6	33.2	
LOANS.....	2.7	14.0	7.0	
GRANTS.....	18.8	8.6	26.2	
(SEC. SUPP. ASSIST.)...	0.0	0.0	4.4	
B. FOOD FOR PEACE.....	1.8	2.7	14.9	
LOANS.....	0.0	0.0	14.3	
GRANTS.....	1.8	2.7	0.6	
TITLE I-TOTAL.....	0.0	0.0	14.3	
REPAY. IN \$-LOANS.....	0.0	0.0	14.3	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	1.8	2.7	0.6	
E. RELIEF. EC. DEV & WFP.	0.7	1.5	0.0	
VOL. RELIEF AGENCY.....	1.1	1.2	0.6	
C. OTHER ECON. ASSIST....	3.4	3.6	0.4	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	3.4	3.6	0.4	
PEACE CORPS.....	3.2	3.4	0.0	
NARCOTICS.....	0.1	0.1	0.4	
OTHER.....	0.1	0.1	0.0	
II. MIL. ASSIST.-TOTAL...	4.6	6.7	6.7	
LOANS.....	4.0	6.0	4.0	
GRANTS.....	0.6	0.7	2.7	
A. MAP GRANTS.....	0.0	0.0	2.0	
B. CREDIT FINANCING.....	4.0	6.0	4.0	
C. INTL MIL. EO. TRNG....	0.6	0.7	0.7	
D. TRAN-EXCESS STOCK....	0.0	0.0	0.0	
E. OTHER GRANTS.....	0.0	0.0	0.0	
III. TOTAL ECON. & MIL....	31.3	35.6	55.2	
LOANS.....	6.7	20.0	25.3	
GRANTS.....	24.6	15.6	29.9	
OTHER US LOANS.....	0.0	1.5	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	1.5	0.0	
ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	1946-85
TOTAL.....	209.1	117.8	287.0	2292.8
IBRD.....	40.6	0.0	8.0	710.6
IFC.....	0.1	0.1	0.0	48.2
IDA.....	0.0	0.0	0.0	36.5
IDB.....	167.3	117.7	279.0	1441.4
ADB.....	0.0	0.0	0.0	0.0
AFOB.....	0.0	0.0	0.0	0.0
UNDP.....	0.2	0.0	0.0	45.7
OTHER-UN.....	0.9	0.0	0.0	10.4
EEC.....	0.0	0.0	0.0	0.0

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With the March 31, 1985 election of legislative deputies and town mayors, the people of El Salvador completed the structure of popularly elected government which was initiated with the election of a Constitutional Assembly in 1982 and continued with the writing of a new Constitution in 1983 and presidential elections in 1984. Nine political parties contested the March elections, which were pronounced open and honest by international observers who witnessed the voting. The military safeguarded the electoral process and remained neutral throughout the campaign.

For six years El Salvador has faced a Communist-backed insurgency which has ties to, and obtains material support from Cuba and the Soviet Union through Nicaragua. In addition it suffers from a weak economy, a history of violence, and weakness in public administration and in the administration of justice. Two rounds of discussions between the Government and the insurgent forces were held in late 1984 to seek a negotiated solution to the conflict, but the guerrillas' intransigence prevented a third round in 1985. In a pastoral letter issued by El Salvador's bishops on August 8, the Church called for a negotiated resolution of the war and stressed the legitimacy which the Government had gained through the electoral process. Despite the country's ongoing conflict and the state of emergency, political and economic life continue, unions organize and strike, demonstrations by students and others opposed to policies of the Government are unhindered, and views critical of the Government are openly and freely published and broadcast over radio and television.

El Salvador's economy is mixed. Banking and marketing of major crops are nationalized and the price of food grains is subsidized. The land reform program begun in 1980 continues. There are few regulations on other economic activities, and individuals are free to open and conduct business both within the country and in trade with other nations. The declining value of the national currency against the dollar has raised the price of imports and contributed to inflation, an additional burden on an economy strained by war and sabotage by the guerrilla forces.

Some five to seven thousand armed guerrillas of the Farabundo Marti National Liberation Front (FMLN) are attempting to overthrow the elected Government by force of arms. The guerrillas, having suffered reverses on the battlefield, have increasingly resorted to terrorist tactics, including economic sabotage, traffic stoppages, use of land mines, assassination, and kidnapping. The most spectacular cases of guerrilla kidnaping were the seizures of 27 elected mayors and President Duarte's daughter.

Respect for human rights by the Government of El Salvador during 1985 continued to be strongly influenced by the nation's civil conflict. The establishment of a stable public order able to protect individual rights continues to be disrupted by military operations of both guerrilla and Government forces, acts of revenge, fear, and a prevailing

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uncertainty caused by violence. Civil liberties have been restricted by a state of emergency legal regime. The civil conflict contributes to the ineffectiveness of the judicial system; efforts are underway to strengthen the judicial system.

In line with President Duarte's policy, the Armed Forces have endeavored to conduct their operations in a more humane manner. However, loss of civilian life as a result of military action by Government forces continues and there are still credible reports of prisoners being subjected to abuse by Government officials. The policy of the Government is clearly opposed to such acts. Complaints of human rights abuses by the Security Forces have been reduced by unifying command of the three police services, National Police, Treasury Police, and National Guard, under a single Vice Minister for Public Security, by issuance of standard operating procedures for arrest and detention to safeguard arrestees, and by human rights instruction for police agents and Armed Forces personnel.

The Armed Forces continue to be accused of human rights violations, but the number of such allegations is lower, civilian deaths during military operations are fewer, and there were no allegations of massacres by the Armed Forces. During 1985 the army evacuated groups of civilians from zones of military operations and turned them over to the International Committee of the Red Cross (ICRC).

Accusations of indiscriminate bombing continue, but no convincing evidence to substantiate them has been offered. Many of the accusations come from the guerrilla radio stations or from guerrilla supporters. The bombing restrictions ordered by President Duarte in August 1984 remain in force and appear to be generally observed. The Special Representative of the United Nations Commission on Human Rights, Professor Pastor Ridruejo, concluded in his November 1985 report on human rights conditions in El Salvador that "the Salvadoran Army is endeavoring to conduct the war in a more humanitarian manner than in the past and is therefore not pursuing a policy of indiscriminate bombing, although in a few cases air and mortar attacks are causing civilian casualties."

The brutal phenomenon known as "death squad" assassination has declined dramatically, along with the general level of civil violence. In contrast to previous years when right-wing vigilante groups were active, no rightist group has claimed responsibility for any murder during the entire year. Some unexplained deaths may still be the work of extreme rightist killers but the number directly attributable to them has declined sharply. Assassinations for which the perpetrators advertise their responsibility are now usually the work of the leftist groups. Guerrillas have claimed responsibility for many murders during 1985.

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RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

The number of politically-motivated killings continues to decline from the levels of previous years. In 1983, according to reports in the San Salvador press, there was an average of 140 politically motivated deaths a month; in 1984 the average was 64; from January to November of 1985 it was 29 per month. One legacy of El Salvador's history of political killing is that criminal deaths are often disguised to appear politically motivated in order to avoid correct attribution. Often it is impossible to determine the real motive. While many unexplained deaths are undoubtedly politically motivated, others are the result of criminal or personal motivations.

By some estimates, the FMLN-FDR was responsible for approximately 55 percent of the political killings from January through November. Figures for the 318 political deaths during this period, as taken from the local press and other sources, show 145 deaths (45.6 percent) by guerrillas and another 31 possibly by guerrillas, 12 possibly by the extreme right, three by the civil defense, nine by security forces/army, 77 by unknown assailants, and 41 civilians killed in action.

During 1985, FMLN-affiliated terrorist groups stepped up individual and collective assassinations, especially in urban areas. For example, the Clara Elizabeth Ramirez Front (CERF), a dissident group of the FMLN, publicly claimed responsibility for four murders in the first two weeks of January. On February 28, guerrillas attacked the residence of the President of the Central Elections Council, killing two of his bodyguards, a street vendor, and a passerby. In March, the Popular Revolutionary Army (ERP) of the FMLN claimed responsibility for a rocket attack on National Police Headquarters in San Salvador which killed one civilian and wounded eight others. The CERF assassinated the Armed Forces press spokesman on March 7. On April 8, 20 residents of Santa Cruz Loma, La Paz department were killed by guerrillas. The victims included six members of one family, three of them children, who burned to death when the attackers doused their house with kerosene and set it afire. Thirteen unarmed members of the Civil Defense forces were assassinated during this raid. Leaflets left at the scene claimed responsibility for the massacre on behalf of the Popular Liberation Forces (FPL) of the FMLN.

In May, the FMLN killed the Mayor of San Jorge, San Miguel, while attempting to kidnap him. On May 16, the FMLN also assassinated the military judge handling the cases of those accused of subversion, sabotage, and attempting to overthrow the Government. On June 19, the Revolutionary Workers' Party of Central America (PRTC) of the FMLN opened fire on a crowded sidewalk restaurant in San Salvador, killing 13 and wounding 12. Among those killed were four unarmed U.S. Embassy Marine

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Security Guards and two visiting American businessmen. In Chinameca, San Miguel, in the early morning of July 19, guerrillas kidnaped and murdered four men. In early September, three members of a family who tried to prevent the kidnaping of a 15 year-old female relative were killed by guerrillas, according to neighbors in Dulce Nombre de Maria, Chalatenango.

Guerrilla-placed mines resulted in the deaths of at least 29 civilians and in injuries to more than 92 others between January and August. Many persons have been killed and wounded by guerrilla machinegun fire during the numerous national traffic stoppages declared by the guerrillas. For example, on October 13 a Salvadoran Red Cross volunteer was seriously wounded in an attack by guerrillas on a clearly marked ambulance.

President Jose Napoleon Duarte has continued his efforts to eliminate human rights abuses committed by the security services. The Vice Minister of Defense for Public Security issued human rights regulations mandating humane treatment of prisoners. These regulations were provided to agents of the security services and are enforced; detentions of members of the Armed Forces for violations of the law or human rights rose from three in 1979 to 271 in 1984.

No previously known right-wing extremist group claimed responsibility for any assassination during 1985. A group calling itself the "Central Anti-Communist Organization" called a San Salvador daily in May, threatening to "punish those who take orders from communists;" nothing further was heard from this group. In December, persons who identified themselves the "Protective Army of Santa Ana" (EPSA) killed three persons they claimed were thieves allegedly because local judges had failed to punish such criminals.

The only time the name of a previously known right-wing extremist group was used during 1985 was in July, when a communique ostensibly issued by the "Secret Anti-Communist Army" (ESA) threatened 11 persons associated with the National University. The Government condemned this action and ran frequent radio advertisements calling for anyone with knowledge of the ESA to notify the National Police. Later information strongly suggested that the communique was planted by a group of leftist students at the university to frighten rival groups. Some of those threatened did leave the country but those who remained have not been harmed.

Tutela Legal, the legal assistance office of the Archbishopric of San Salvador, attributed 82 murders to the extreme right through the end of June 1985. Salvadoran press reports from January to November 1985 listed a total of 12 persons who were killed "possibly by the extreme right" and 77 others by "unknown assailant." Tutela Legal frequently attributes murders to the extreme right which other observers believe to be criminal, not political, in nature, or in which the victim is not identified and for which Tutela Legal gives no reason for its classification.

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Untrained and undisciplined local Civil Defense members have been cited for human rights abuses, including the killing of a civilian in May. A Civil Defense commander was arrested in July in San Vicente Department for threatening residents if they did not enlist in the Civil Defense program. The Government is addressing the problem by offering both military and human rights training. There are credible reports that regular Armed Forces troops, in some instances, have meted out harsh treatment to masas, the guerrillas' civilian supporters who provide much of the logistical infrastructure necessary to maintain their operations in the field. A group of 13 priests, as well as the official Human Rights Commission (CDH), meet regularly with military units to lecture about human rights and discuss problems which soldiers may confront in the field.

Charges made by guerrillas that the Salvadoran Air Force practices indiscriminate bombing are not supported by hard evidence. Most of these reports originate in guerrilla-controlled media or in testimony taken from guerrilla masas. These regularly employ fabricated accusations of Government abuses for their political impact. Salvadoran pilots generally follow the strict government bombing regulations designed to prevent civilian casualties. In a few instances, however, civilians have been injured or killed by bombing as the result of error. In San Jose Guayabal, on April 15, three members of a family were killed while hiding in a granary, apparently by a rocket fired from a helicopter in support of National Guardsmen who were under attack by the guerrillas. In August, a woman and two of her children were killed in El Ocotal, when an Air Force plane bombed a marking round that had mistakenly identified the small settlement as the target. The Air Force acknowledged the mistake and paid compensation to the survivors. In neither case were civilians the intended targets.

b. Disappearance

The number of press-reported civilian disappearances through November 1985 was 129, including non-political disappearances such as runaway children and criminal cases. There were also 303 persons abducted by guerrillas. By comparison, Tutela Legal reported 23 cases of disappearance after detention, presumably by government forces, and 24 cases of abduction by the guerrillas, from January-October 1985. Newspaper and eyewitness accounts often describe "heavily armed men in civilian clothing" as perpetrators of the seizures.

Some of the "disappeared" are found to have been held in unacknowledged detention by Armed or Security Forces, only to reappear in the criminal justice system. This problem has declined with the implementation of detention procedures requiring prompt notification of the arrest to the family, the ICRC, Tutela Legal, and the CDH. Disappearances are particularly difficult to track as many cases are not reported to the press. Also, it is impossible to tell how many disappearances are actually desertions of family, emigration, or enlistment into guerrilla ranks.

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The Government has recently recognized the problem of trafficking in children, some kidnaped for virtual sale to adoptive parents abroad. Common criminal gangs and guerrillas frequently stage kidnappings for ransom. Because the families of such kidnap victims generally try to avoid publicity in order to negotiate the captives' release, these kidnappings receive little public notice.

The most spectacular cases of kidnappings carried out by the guerrillas in 1985 were the kidnappings of 27 elected town mayors and a number of other town officials and the September 10 kidnaping of President Duarte's daughter. The guerrillas held the President's daughter for 44 days; some of the mayors were captive for as long as six months. The guerrillas finally turned them over to the Government on October 24 in exchange for 25 captured guerrillas in government prisons and the departure from the country of 101 wounded guerrillas. One mayor and eight other town officials were not released in the exchange. On December 30, the FMLN clandestine radio station announced that the mayor and an unspecified number of other officials from Cacaopera had been executed on the day of their abduction in July 1984 for cooperating with the Government and that a town official from Uluazapa had been killed in December 1983. Although the FMLN pledged not to kidnap family members of government and military officials in the future, government officials remain targets. The Civil Aviation Director, an Air Force colonel serving in a civilian post, was abducted in early November.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The effort to enforce the code of procedures of the Armed and Security forces has had a positive effect. The timely notification of arrests to family and the ICRC, Tutela Legal, and CDH has decreased the number of abuses. The procedures state that physical abuse or intimidation are prohibited. All prisoners must be examined by a physician immediately upon entrance into a jail to determine whether they have been abused or are in need of medical treatment for any reason. These procedures were strengthened when the Minister of Defense and Public Security, General Vides Casanova, issued a document on March 27 which reemphasized the illegality of inhumane treatment of prisoners and their right to read the confessions they sign. The CDH and the military chaplains under Father F. Delgado now give human rights classes to the Armed Forces and police on a regular basis. A widely disseminated "Handbook on Human Rights," issued in June is another positive effort to educate the military and police on human rights values.

The CDH, ICRC, and Tutela Legal, who work directly with prisoners, say that complaints of torture and other forms of abuse continue, although at a lower level than in past years. Most abuses are reported to occur during the initial hours of capture and range from threats of death to physical torture. The most common complaints are of prolonged and continuous interrogation; being forced to stand for long periods, often while blindfolded; and sleep deprivation. There are reports that forced confessions still

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occur and that prisoners are sometimes not permitted to read their confessions before signing them.

According to government figures, 215 guerrilla combatants and an additional 453 guerrilla supporters voluntarily turned themselves in between January and October 25. After debriefing, such persons are transported by the CDH to the destination of their choice. Captured guerrillas have, in general, received adequate treatment. For example, foreign doctors were permitted to perform surgery on captured guerrilla leader Nidia Diaz to improve movement in her injured hand.

There were no complaints of torture in the penitentiaries in 1985. The guards are not abusive and prisoners receive family and conjugal visits. Although problems at the larger penal institutions include meager food rations, scarcity of potable water, and overcrowding, there are some opportunities for gainful employment by the prisoners. Inmates charged with subversion are permitted their own internal organization and give political classes which they organize and teach themselves. Punishment cells are primitive, but reportedly are rarely used.

The FMLN claims that it respects the "physical and psychological integrity" of its captives. However, there are many credible reports of civilians being kidnaped and later killed by guerrillas and of soldiers being executed after surrendering to the guerrillas. Fifteen members of the Armed Forces and one member of the Civil Defense were kidnaped and killed by guerrillas between January 1 and October 25, 1985. The guerrillas denied medical treatment to Antonio Hernandez, town administrator of San Simon, Morazan, who had been injured in an accident prior to his kidnaping in late April. The guerrillas abandoned him on the bank of the Torola River in Morazan, where soldiers found him on September 26, unconscious and near death.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides for the suspension of civil guarantees in times of emergency. Special legislation (Decree 50) provides for separate procedures and judicial handling of politically-motivated crimes such as treason, sabotage, rebellion, and participation in organized groups dedicated to the overthrow of the Government by force. Holding political views opposed to the Government, without actively supporting political violence against the Government, is not a basis for arrest.

Under present state of emergency legislation, arrests can be made by the Security Forces without a warrant and can be made upon denunciation by an accuser who remains anonymous. The disposition of arrested persons is determined by an instructional magistrate who, like trial magistrates at various levels of the judicial process, may decide on the release or continued detention of a suspect for additional

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investigation before charges are brought or trial begins. In practice, it is impossible to say how many arrests are not based on reasonable cause, as even dismissal of charges at the investigative level often reflects ineffective investigation or is a matter of convenience in an overburdened judicial system.

Salvadoran arrest procedures require prisoners to be taken directly to the brigade or police headquarters and registered. For the most part, the police and Armed Forces have complied with this regulation. However, there continue to be some charges of prisoners being taken to unofficial interrogation sites before entering a penal institution. Once registered in a detention center, arrestees can be held for eight days before they can be visited by the ICRC, CDH, and Tutela Legal.

Under Decree 50, arrestees must be released or consigned to a military "investigative" judge within 15 days of arrest. Many prisoners are released during this initial phase, after preliminary interrogation and investigation. If consigned to a judge, arrestees must be informed of the charges against them within 15 days of consignment. Once they are so informed they have a right to legal counsel. The investigative judge must reach a decision within 60 days of receiving the case. If the case has merit, he sends it to the military judge of the First Instance (the actual trial judge). Decree 50 requires the First Instance judge to hand down a decision within 43 days of receiving the case. In practice, few cases are handled so quickly; Decree 50 cases usually stay on schedule until they reach the First Instance court, and remain at that stage for an indefinite period.

Processing of Decree 50 cases was halted in May 1985, when guerrillas assassinated the sole First Instance Judge handling those cases. The judge was replaced in July and adjudication of cases resumed. As of the end of September, about 500 persons held under Decree 50 were awaiting trial, about the same number as a year previously. Between January and November of 1985, 30 persons were convicted under Decree 50 and seven were acquitted. Charges were dismissed in 113 other cases.

In cases of common crime, police may detain a suspect up to 72 hours before presenting him to an investigative judge for release or detention for further investigation. In theory, the investigational phase may not last more than 87 days, subject to extension for investigation. In practice, these time limitations are not always followed; the backlog of cases in the system is the major reason for delay.

There are no legal provisions for exile, or for the revocation of citizenship.

The Government prohibits forced labor. However, leftist guerrillas have subjected kidnaped Salvadoran peasants to forced labor. Victims state that they were forced to travel with the guerrillas and cook, do laundry, and perform other chores.

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e. Denial of Fair Public Trial

In El Salvador, common crimes are tried publicly; Decree 50 offenses are adjudicated in the judge's office, without spectators. The inadequacy and inefficiency of the judicial system often cause long delays in bringing cases to trial. Incarcerated persons normally wait 6 to 18 months between the formal placement of charges and the adjudication of their cases. Only 10 to 15 percent of the prison population are actually serving sentences; the others are awaiting trial. When finally tried, most can expect to have the charges dismissed or to be acquitted, often due simply to the poor investigative capacity of the police and magistrates. Over the past 10 years, the overall conviction rate has never exceeded 20 percent; in 1984 it was 15.4 percent.

Aside from a lack of resources for carrying out investigations, the courts are hampered by the susceptibility of judges and juries to intimidation or bribery. A Judicial Protection Unit (JPU) was proposed to provide protection to judges, juries, and officers of the courts in sensitive cases in which intimidation might come into play. The JPU was temporarily activated to provide protection in the 1984 trial of the murderers of four U.S. churchwomen, but the prison guards who composed it returned to their regular duties after the trial. The executive decree to establish the JPU permanently has been approved, and the Government is drafting the implementing regulations.

Recognizing substantial problems within the judicial system, the Government has committed itself to a judicial reform program with four primary components: the JPU, described above; the Judicial Revisory Commission; improved judicial administration and training; and the Commission for Investigation. The Revisory Commission will examine the entire legal system in order to suggest modifications to the penal code to make it fully consistent with the 1983 Constitution, and will also review existing legislation governing arrest and detention procedures. The Commission for Investigation will obtain equipment and train personnel for forensic investigation.

The Salvadoran judiciary is independent from the rest of the Government. Supreme Court magistrates and the Attorney General are chosen by the Legislative Assembly after nomination by political parties. In May, the legislature removed the Attorney General from office. His appeal to the Supreme Court of his removal was decided in his favor in December and he was returned to office.

Judicial authority has historically not been applied to the military. Although lower-ranking military and police personnel are regularly discharged from their duties and arrested for criminal offenses, in practice the officers of the Armed Forces are treated differently from other citizens before the law. Magistrates are usually reluctant to bring charges against military officers or members of the Security Forces. Colleagues of the accused often cannot be relied upon to testify or otherwise cooperate in prosecuting crimes

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against other officers. Also, intimidation of judges and juries by members of the Armed Forces frequently overcomes prosecution efforts made by the Attorney General's Office.

No military officer has been successfully prosecuted for human rights violations in recent years. An ongoing prosecution, however, is that of Captain Eduardo Avila in connection with the murder of a Salvadoran labor leader and two U.S. advisors in January 1981. The Attorney General plans to present additional evidence implicating Avila before the courts to supplement that which was presented in June 1985. A lower court and an appeals court determined that the initial evidence was insufficient to warrant prosecution of Avila.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government does not arbitrarily interfere in the personal lives of Salvadoran citizens except in matters it considers related to the armed conflict. Both the Government and the guerrillas use networks of informers. Phone numbers for making accusations to the Armed Forces have been publicized (although little used), and the police rely on informers and anonymous tips about alleged criminal and subversive activities. There is no effort to coerce the public into acting as informants.

Members of the Security Forces use forced entry to carry out arrests and investigations. Government troops have compelled civilians to leave conflictive areas. In April the Army removed over 200 civilian supporters of the guerrillas from around the Guazapa volcano, a guerrilla stronghold.

The constitutional provision protecting the inviolability of correspondence is suspended under the state of emergency. Postal officials have the legal authority to inspect correspondence, but there is no government policy to do so, and it is not believed to occur frequently.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Freedom of speech and the press is respected by the Government even though these rights are technically suspended under state of emergency decrees. The only instance during 1985 when the Government formally asked the mass media not to publish information was during the negotiations for the release of the President's daughter, kidnaped by the FMLN. Print and broadcast media did not universally honor the request, but the Government imposed no sanctions against media coverage during the negotiations. Self-censorship, sometimes out of fear of violent reprisal from the extremes of the political spectrum, is the primary constraint on free expression in El Salvador. Newspapers have published "communiqués" from extremist groups out of fear of reprisal.

The leading daily newspapers in the capital are conservative, and frequently and vigorously criticize the Government. The only response from the Government has been to reduce paid

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advertising by government agencies in one of the papers. The views of the radical left continue to be expressed in paid advertisements, which appear regularly in at least three of the four Salvadoran dailies and in articles published in the University of Central America's bimonthly journal "Estudios Centroamericanos" (ECA) and its biweekly newspaper "Proceso."

Radio news usually covers a wider variety of stories than the printed media and is more broadly diffused in Salvadoran society than either newspapers or television news. FDR leaders are regularly interviewed on local radio news programs and at least one local station offers air time to those FMLN front organizations which are operating openly in San Salvador. Local radio stations frequently repeat information broadcast by clandestine guerrilla radio stations.

The Government owns no newspapers. It owns one radio station and two television stations, one educational and one informational. There are four privately owned television stations.

A six-year old decree forbidding publication of anonymous communiques and statements remains in effect and is largely observed by the media. When it has been violated, the Government has taken no action against the reporting media.

Academic freedom is guaranteed by the Constitution and is broadly interpreted. As in many Latin American countries, university authorities routinely assert that local police have no jurisdiction on campus. The main campus of the National University of El Salvador, closed for four years following violent clashes between students and the army, reopened in early 1984. Though students are not immune from arrest, arrests do not appear to be made on the basis of student status or for violations of limits on freedom of speech and press. Two instructors were shot on two university campuses in October 1985; the killings remain unsolved, but political motives are not evident in either case.

b. Freedom of Peaceful Assembly and Association

El Salvador permits any association not formed for criminal purposes. Social, labor, professional, religious, and political associations operate freely, including leftist groups critical of the Government. The groups place paid advertisements in the newspapers and hold marches and demonstrations free of government interference. Even the "Committee of the Political Prisoners of El Salvador" (COPPE), an association of those inmates being held for subversion against the state, is permitted to operate in the prisons of the country and to publish political advertisements. The Information Secretary of the non-governmental Human Rights Commission (CDHES) was arrested in November and charged with membership in a guerrilla organization, the Armed Forces of National Liberation (FARN). The National Police have stated that his employment by CDHES was unrelated to his arrest; Mr. Caceres had worked for CDHES for six years prior to his arrest.

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Employees of private businesses or autonomous government institutions have a constitutional right to form professional associations or labor unions to defend employee interests, to bargain collectively, and to strike. Although employees of non-autonomous public institutions are barred by law from joining unions, these employees in fact have legally recognized associations which act as unions, bargain collectively, and strike. The Government is studying a proposal which would extend collective bargaining rights to peasant labor associations. Salvadoran labor groups draw up their own statutes and elect their own officers. Government recognition of these groups is not based on political considerations. There is no government-sponsored labor group. Unions are independent of political parties, though some unions have worked on behalf of parties in political campaigns.

Unions may join national and international federations. The International Confederation of Free Trade Unions (ICFTU) and the World Confederation of Labor (WCL) have Salvadoran affiliates. Some Salvadoran unions have loose links with the Communist-dominated World Federation of Trade Unions (WFTU). The Government and unions maintain ties with the International Labor Organization (ILO).

The Labor Ministry routinely mediates labor disputes at the request of the interested parties. In 1985 there were three instances in which labor and management voluntarily submitted to binding arbitration by the Labor Ministry. Groups across the political spectrum demonstrate openly and freely. In spite of an Armed Forces ban on a June 4 labor demonstration for which its organizers had not obtained a permit, the demonstration took place without incident.

Only one complaint has been made to the ILO since President Duarte's June 1984 inauguration, arising from the illegal occupation by strikers of the central Social Security Institute (ISSS) Hospital in May 1985. During the occupation, many non-striking Salvadoran workers were unable to obtain the social security medical treatment to which they were entitled. Also, the number of hospital patients who died during the strike was greater than normal though the number of patients being treated was smaller than usual. The strike's leaders made no attempt to disavow support they received from guerrilla radio stations, nor to separate themselves from death threats made against the ISSS Director General.

On May 27, a labor judge ruled the ISSS strike illegal because procedures prescribed by the labor code had not been followed by the union prior to calling the strike. The strikers ignored the judge's order to return to work. On June 2, police entered the hospital, arrested two union leaders for directing the illegal occupation of a public building, and then withdrew from the hospital. The police mistakenly shot and killed four policemen during the operation, but there were no deaths or injuries of hospital workers or patients because of the security forces' actions. The two arrested labor leaders were released June 5; they publicly stated they had been treated well while in police custody. Labor and management finally reached agreement and the strike ended June 6.

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c. Freedom of Religion

Freedom of religion is guaranteed by the Constitution and is respected in practice. Although the country is historically Roman Catholic, numerous Protestant denominations have gained adherents, often through the efforts of foreign missionaries. These missionaries and members of the non-Catholic denominations operate freely and without harassment. Although church members and workers (of both Catholic and Protestant denominations) have on occasion been arrested, these arrests were unrelated to the individual's religious beliefs or activities.

The Catholic Church continues to be one of the most respected and influential institutions in the country. The Sunday homily from the National Cathedral is broadcast live on the Government's television and radio stations and is a regular news item in the press and radio the following day. Clergy and church publications speak forcefully on human rights and on the need for an end to the war. Church statements have become increasingly critical of the leftist insurgency, but the Church has not hesitated to criticize the Government.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Although the state of emergency decree formally suspends the constitutional right to free movement, this suspension is not enforced in practice. Local military commanders have on occasion denied entry for short periods of time from areas where military operations were underway. The continuing armed conflict has displaced an estimated 525,000 persons within El Salvador, primarily from the northern and eastern departments. The United Nations High Commissioner for Refugees lists another 35,654 Salvadorans as refugees outside El Salvador in Central America, with 20,000 in Honduras. An estimated 200,000 may be living in Mexico, and as many as 750,000 undocumented Salvadorans are in the United States. The Government, international organizations, and private voluntary organizations assist the internally displaced. The Government has imposed no control on emigration and has assisted amnesty beneficiaries who wish to emigrate after release. It also assists displaced persons and others wishing to return to El Salvador to reintegrate into society.

Movement in the eastern part of the country has been limited by traffic stoppages declared by the guerrillas and enforced with roadblocks, land mines, and the machinegunning and burning of vehicles traveling during the stoppages. The guerrillas declared nine such stoppages in the course of the year.

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

El Salvador moved further in its transition to an open, democratic system in 1985 as it held its fourth national election in three years. The president is directly elected and serves for a period of five years. He cannot constitutionally succeed himself. The next presidential

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elections will take place in 1989. The legislature is unicameral and is made of 60 deputies who serve for three year terms. Like the president, they are directly elected.

Nine political parties, ranging from the moderate left to the conservative right, participated in the March 31, 1985 legislative and municipal council elections. Five political parties gained representation in the legislature. The Christian Democratic Party (PDC) of President Jose Napoleon Duarte won 52 percent of the vote and captured 33 of the 60 seats in the Legislative Assembly. The National Republican Alliance (ARENA) and the National Conciliation Party (PCN) captured 30 percent and 8 percent of the vote, respectively, and earned 13 seats and 12 seats in the assembly, divided according to a coalition agreement between them. The remaining two seats in the assembly were won by two smaller parties. The PDC won in 153 of the 262 municipalities; the ARENA-PCN coalition in all but one of the others. Mayors and municipal councils were also elected directly in the March elections for the first time since 1977.

Though the PDC has a plurality in the Legislative Assembly, debate in the Assembly is vigorous. The Assembly has altered bills submitted by the President before passing them, and the President has vetoed bills passed with the support of his party's deputies.

The Constitution requires the legal recognition of all political parties that do not advocate armed opposition, provided they are able to meet the required minimum membership standards of 3,000 followers. Several small political parties, while not represented in the legislature or municipal councils, do have legal status and freely organize and publish their views. The right to membership in any legally recognized political party is unrestricted. Two opposition parties of the left, the National Revolutionary Movement (MNR) led by Guillermo Ungo and the communist National Democratic Union (UDN), are legally recognized but have chosen not to participate in legitimate political activity. The MNR and UDN, together with the Popular Social Christian Movement (MPSC), make up the Democratic Revolutionary Front (FDR), the political front which, in alliance with the FMLN, is waging the insurgency. The Government and the majority of the constitutional opposition have expressed support for the integration of the armed leftist groups into the system as peaceful, legal political parties.

As in previous years, the guerrillas sought to disrupt the vote during the elections held in 1985. In the weeks prior to the elections, the guerrillas burned more than 25 municipal buildings. They proclaimed a national traffic stoppage three days before the elections in an attempt to prevent citizens from traveling to vote. On election eve, they mined several rural roads in Chalatenango Department, killing or injuring several civilians on their way to the polls. In spite of these efforts, approximately 1.2 million voters went to the polls, representing more than 65 percent of the electorate. Elections were carried out on site in all but 20 of the 262 municipalities in El Salvador. Elections in those 20

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municipalities, representing less than six percent of the electorate, were held in neighboring towns. In El Salvador voting is no longer obligatory.

The Government invited representatives of more than 50 nations and international organizations to observe the March 31 elections. Almost universally, the 130 international observers declared the elections to be open, honest, and a valid demonstration of the popular will. A pastoral letter issued by the Salvadoran bishops on August 8 described the Government as "a constitutional government, the fruit of a democratic process, sanctioned by the massive turnout at the polls in four successive elections."

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

The Government maintains an open door policy toward human rights delegations. Key members of the Government, including high-ranking members of the military, have demonstrated their willingness to brief human rights groups and to be interviewed by them. Among those groups which have sent delegations to El Salvador are: Americas Watch, the Faculty for Human Rights in El Salvador - Central America (FHRES), the Lawyers' Committee for Human Rights, U.S. congressional delegations, and various church and labor groups. Physicians from "Medical Aid for El Salvador" were given access to guerrilla leader Maria Valladares de Lemus (Nidia Diaz), to evaluate her condition and performed an operation on her injured arm. In March, Americas Watch assigned a representative to El Salvador who does not permanently reside in the country but does make extended visits. The Government has welcomed the frequent visits of the representatives of the ICRC and human rights groups to prisoners at brigade headquarters and penal institutions.

The U.N. General Assembly's Special Rapporteur on Human Rights in El Salvador made his fifth annual visit to the country in September and received from each ministry and autonomous agency of the Government a report on human rights within its area of responsibility. During his visit, the rapporteur interviewed government officials, visited prisoners held by the Government on charges of subversion, and spoke with representatives of official and nonofficial human rights organizations. In his report to the U.N. General Assembly on November 5, 1985, the rapporteur noted that, "As in previous years the cooperation...by the Government of El Salvador was and full and open."

There are several domestic human rights organizations which are active in El Salvador. The official Human Rights Commission (CDH) is an autonomous government agency which investigates complaints of human rights abuse. Tutela Legal is the legal assistance office of the Archdiocese. Other organizations which report on violence include Christian Legal Aid (Socorro Juridico Cristiano), and the non-official Human Rights Commission of El Salvador (CDHES).

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The CDH receives complaints of human rights violations by both the government forces and the FMLN. CDH representatives visit jails and prisons to look for persons reported missing, and its staff physicians examine arrestees to determine the validity of complaints of human rights abuse. To make itself more accessible to the public, the CDH has opened field offices in the departmental capitals of San Vicente, Santa Ana, and San Miguel. The CDH has been successful in representing individual interests before military and civilian governmental institutions.

Tutela Legal's small staff carries out some on-site investigations, takes testimony from individuals, and uses the press as a major source. The other organizations rely primarily on newspaper reporting, supplemented by other sources such as announcements by guerrilla groups and personal testimony. Socorro Juridico refuses to name its sources. CDHES and some other groups consistently and vocally criticize the Government and echo allegations of human rights violations broadcast on guerrilla radio. They have also justified the kidnaping of mayors as legitimate military targets and have repeated false guerrilla claims that some of the victims of the PRTC murder of 13 people in June were killed in a "cross-fire." However, no member of such groups has been harmed. One was briefly taken into custody on charges unrelated to her activity in these groups. The Government has arrested and charged two other members of these organizations with membership in and active support for guerrilla groups. Their cases are before the Decree 50 courts.

Amnesty International Report 1985, which covers events during 1984, expressed continued concern about arbitrary arrest and prolonged detention without trial, torture, disappearances, and extrajudicial executions. Freedom House rates El Salvador "partly free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

El Salvador had an estimated population of 5 million in mid-1985 with a growth rate of 2.5 percent annually, excluding emigration. The estimated per capita GDP for 1985 is about \$650. The GDP grew by 1.5 percent in real terms in 1984, following a cumulative decline of 25 percent between 1979 and 1983. Adjusted for population growth, the decline probably has not yet been arrested. In 1984, agriculture accounted for about 25 percent and industry for 17 percent of GDP. Coffee, cotton, sugar, and shrimp comprise the bulk of El Salvador's exports.

Adding to the adverse economic effects of six years of internal violence, El Salvador's economy has suffered from the world recession, declining prices for the country's main exports, and sharply reduced demand from its trading partners in the Central American Common Market (CACM). The violence prompted large-scale capital flight, precipitous reduction in private investment, and increased unemployment. Although this decline appears to have been largely halted, investment has been slow to resume and the economy remains troubled by a large balance-of-payments deficit, external debt, rising inflation, and an unbalanced budget.

A dramatic shift in the ownership of nearly 25 percent of El Salvador's agricultural land brought about under the agrarian reform program has affected El Salvador's social structure. The sweeping social and economic reform is designed in part to transfer ownership of farmlands from the small number of large landholders to those who worked the land.

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Under Phase I of the program, all farms of more than 500 hectares (1,235 acres) were converted into worker cooperatives. Of the 317 cooperatives formed, 37 are in conflictive zones and not operating. The rest are generally able to support their members, but the majority are unable to make payments on their land debt or 1980-1981 emergency credit debts.

The 1983 Constitution clarified Phase II of the reform by establishing a ceiling of 245 hectares (605 acres) that an individual may own and by giving affected owners three years to sell property in excess of that limit to peasants, small farmers, or peasant organizations. The state can expropriate any excess land not disposed of by December 1986. Twelve to 15,000 hectares of land are affected by Phase II and the Ministry of Agriculture is beginning to develop necessary implementing legislation.

Under Phase III of the reform, farms previously rented or sharecropped could be claimed in parcels of up to seven hectares (17.3 acres) by the former renters or sharecroppers, including family members. Under Phase III more than 300,000 Salvadorans have been moving towards ownership of the land they work. Many landowners affected by Phase III resisted strongly, some with violence, and forced eviction of beneficiaries. Many others filed legal protests with the Government; and at one point in 1984 about 20 percent of the legal challenges to Phase III claims were being decided in favor of the original landowner on the basis that the applicant for the land did not qualify under Phase III rules. Currently, there is less legal activity, and peasant organizations report that forced eviction is no longer a significant problem.

In 1984 the infant mortality rate was 67 per 1,000 live births, and life expectancy was 64.5 years. The per capita caloric intake was 92 percent of nutritional requirements. The Government conducted a vaccination campaign in early 1985 to immunize young children against polio and other diseases, and followed it with an oral rehydration therapy education campaign to reduce the number of deaths from diarrhea. Most of the rural population does not have regular access to medical care.

Historically, El Salvador has had a shortage of low income housing because of heavy rural to urban migration, exacerbated in recent years by persons displaced from conflictive areas. The Government has initiated a major program to extend public services into squatter communities surrounding the major urban centers, install drainage works, sidewalks, and paving, and provide self-help housing.

Approximately 62 percent of El Salvador's adult population is literate. Some 15 percent of the primary school age population are not attending school. Since 1978, the country's internal conflict has contributed to the abandonment of over 800 primary schools and the closing of 2,140 more. In April 1985 the Government initiated a \$150 million, three-year program to renovate primary school classrooms and purchase textbooks and other school supplies.

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The Constitution permits employment of children less than 14 years old only in those cases where their employment is necessary to provide for their subsistence or the subsistence of their families. Children less than 18 years old are prohibited from legally working at night or in dangerous occupations. The reality, however, is that teenage and even younger children work long hours.

The minimum wage for workers in the industrial and service sectors is about US\$3.10 per day. In practice, the salaries of most workers in these sectors is above the minimum wage. These workers are paid overtime for working more than 44 hours in a week and are entitled to 15 days of annual paid vacation. The minimum wage for farm workers is about US\$1.08 plus about US\$.31 worth of food per day. Farm workers are paid more during harvest times. The national commission on minimum salaries has proposed an increase for farm workers over 16 years old and an additional increase for those partially incapacitated or under 16. The proposal has not been acted on. The piece rates paid at harvest times net workers triple or quadruple the minimum wage.

The Government requires that work sites be safe, and that drinking water, toilets, and adequate ventilation be provided workers. Major industrial enterprises generally meet these requirements. Between June 1984 and May 1985, the labor ministry made 467 inspections and studies of working conditions, initiated four campaigns aimed at preventing work related accidents, held four seminars on occupational safety and hygiene, and investigated 319 work-related accidents. The Labor Ministry carries out inspections either at its own initiative or on the basis of a complaint. However, the Labor Ministry complains that budgetary restrictions and guerrilla activities, such as the destruction of Labor Ministry vehicles, impede full enforcement of worker laws.

Under the Constitution women enjoy the same legal rights as men. Three women serve as deputies in the 60-member assembly, and about ten percent of the mayors elected in March 1985 are women. Women hold positions as vice ministers of culture, economics, education, interior, foreign commerce, and justice. Most elementary school teachers, nurses, and secretaries are women, as well as about 50 percent of the teachers on the high school level and between 30 to 40 percent of university professors. Women also play a role in private industry, especially as owners of small enterprises. Several major companies are owned and operated by women. Women serve on the boards of directors of several banks. Women are also well represented in the professions: about 30 percent of the physicians, 50 percent of the dentists and more than 30 percent of the attorneys are women. They are members of the Armed Forces as nurses, in administrative areas, and in intelligence. The National Police is training women as detectives and has a corps of policewomen.

A high proportion of women in the lower economic strata are heads of single parent households, often providing for large families. Seventy percent of the children in El Salvador are born out of wedlock, and most of these are not legally recognized by their fathers even when occupying the same domicile.

U.S. OVERSEAS - LOANS AND GRANTS - OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S. FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: EL SALVADOR

	1983	1984	1985
I. ECON. ASSIST.-TOTAL...	245.6	215.9	433.9
LOANS.....	86.6	81.2	70.0
GRANTS.....	159.0	134.7	363.9
A. AID	198.8	161.4	376.1
LOANS.....	47.6	32.2	21.0
GRANTS.....	151.2	129.2	355.1
(SEC. SUPP. ASSIST.)...	140.0	120.2	285.0
B. FOOD FOR PEACE.....	46.8	54.5	57.8
LOANS.....	39.0	49.0	49.0
GRANTS.....	7.8	5.5	8.8
TITLE I-TOTAL.....	39.0	49.0	49.0
REPAY. IN \$-LOANS.....	39.0	49.0	49.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	7.8	5.5	8.8
E. RELIEF. EC. DEV & WFP.	6.2	3.7	7.2
VOL. RELIEF AGENCY.....	1.6	1.8	1.6
C. OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II. MIL. ASSIST.-TOTAL...	81.3	196.6	136.3
LOANS.....	46.5	18.5	10.0
GRANTS.....	34.8	178.1	126.3
A. MAP GRANTS.....	33.5	176.8	124.8
B. CREDIT FINANCING.....	46.5	18.5	10.0
C. INTL MIL. ED. TRNG.....	1.3	1.3	1.5
D. TRAN-EXCESS STOCK...	0.0	0.0	0.0
E. OTHER GRANTS.....	0.0	0.0	0.0
III. TOTAL ECON. & MIL...	326.9	412.5	570.2
LOANS.....	133.1	99.7	80.0
GRANTS.....	193.8	312.8	490.2
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1983	1984	1985	1946-85
TOTAL.....	53.3	115.2	21.9	905.7
IBRD	0.0	0.0	0.0	215.1
IFC	0.0	0.0	0.0	1.0
IDA	0.0	0.0	0.0	25.6
IDB	52.9	114.0	21.0	634.2
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.4	0.9	0.0	22.6
OTHER-UN	0.0	0.3	0.9	7.2
EEC	0.0	0.0	0.0	0.0

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Grenada is once again governed under the parliamentary system it had on acquiring independence from the United Kingdom in 1974. Free and fair democratic elections were held in December 1984, a little over a year after the October 1983 landing of United States and Eastern Caribbean countries put an end to the chaotic conditions which followed the murder of Prime Minister Maurice Bishop by his former associates. In the elections, contested by three parties, the New National Party (NNP) led by Herbert Blaize won 14 of 15 seats in Parliament, and Blaize was elected Prime Minister.

Among its first acts in January 1985, Parliament restored the 1974 Independence Constitution and legitimized the court system inherited from its predecessors who had ruled by decree. Political and civil rights are fully guaranteed by the Government. The spectrum of political parties is composed of the moderate NNP and Grenada Democratic Labour Party (GDLP) (which was formed in February 1985 following the election), the Marxist Maurice Bishop Patriotic Movement (MBPM) (organized by the pro-Bishop survivors of the October 19, 1983 anti-Bishop coup), and the Grenada United Labour Party (GULP) of Former Prime Minister Gairy.

During 1985, security in Grenada was partially maintained by the Caribbean Peacekeeping Force (CPF) composed of military and police contingents from neighboring countries, with United States military support. The last U.S. forces left the island on June 11, 1985, and the remnants of the CPF departed in September. Internal security in Grenada is now the sole responsibility of the Royal Grenada Police Force (RGPF) which includes an 80-man paramilitary Special Services Unit, which received training from U.S. military advisors until September, 1985.

The Grenadian economy is gradually recovering from years of mismanagement, political turmoil, and an inadequate, dilapidated infrastructure. The Government has introduced reforms to promote development and encourage investment.

In 1985, the NNP governed with full respect for the law and in accordance with international standards of human rights, including protection of the integrity of the person. Judicial proceedings follow accepted standards of due process, and those accused of murdering former Prime Minister Bishop and others were accorded the full scope of judicial protections.

RESPECT FOR HUMAN RIGHTS**Section 1 Respect for the Integrity of the Person, Including Freedom from:****a. Political Killing**

There were no reports of politically motivated killings in Grenada in 1985.

b. Disappearance

There were no reports of politically motivated disappearances or abductions in Grenada in 1985.

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c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Several of those being held and tried for the murders of Maurice Bishop and others have complained of torture and cruel treatment while imprisoned. When prisoners made allegations of torture, physicians were called in and on no occasion were these allegations substantiated.

During the initial sessions of the trial in 1985, defense attorneys repeated claims of torture and maltreatment of the 19 accused, which they alleged were committed with the consent and complicity of the Commissioner of Prisons. Although there were instances of abusive treatment by individual guards, no evidence has ever been provided to substantiate claims of systematic abuse or official complicity.

Observers from an impartial international organization investigating prison conditions in August 1985 found, after talking with the 19 accused, 3 instances of legitimate complaint: 3 of them claimed to need medical attention; 2 said they were denied the right to correspond with their minor children; and the 1 woman among the 19 was allowed virtually no contact with the other prisoners, including her husband. Government authorities state that the accused have had access to physicians but that the prisoners have insisted on seeing those of their own choice. (Eventually this was allowed.) Correspondence was also permitted, the authorities asserted, as was contact with visitors by the woman prisoner.

Later in August, the defense filed a motion in the trial claiming the accused were denied proper access to their attorneys, and they renewed the allegations of torture and arbitrary denial of privileges. An affidavit included allegations of beatings, public humiliation, mental torture, intense interrogation, and the denial of medical treatment, especially during the period of confinement while being supervised by U.S. and Caribbean forces between October 1983 and early 1984. This motion has not yet been heard in court.

On August 23, 1985, the prosecution and defense agreed on a consent order, issued by the Chief Justice, which ordered the Prison Commissioner to assure the accused liberal access to their lawyers and to writing materials, freedom to correspond with persons outside the prison, 10-1/2 hours of freedom to exercise per day, and freedom on a daily basis to associate among themselves. After some controversy on whether the writ was fully implemented, the defense stated in court in October that it was fully satisfied that the prison authorities were implementing the consent order.

d. Arbitrary Arrest, Detention, or Exile

There were no reports of arbitrary arrests in Grenada in 1985. Grenadian police, by law, have the right to arrest individuals "on suspicion" without a warrant, but arrests must be accompanied by formal charges. In 1985, no one was detained for political reasons.

Those arrested are brought before an independent judiciary. They are allowed access to a lawyer of their choice and, for capital crimes, the courts appoint lawyers when the accused cannot pay for their defense. The 19 accused of murdering

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Maurice Bishop and others are defended by 12 Jamaican lawyers of their choosing, all but 2 of whom are remunerated by the Grenadian Government.

There is a functioning system of bail, although those charged with any capital offense are not eligible. Grenadian law provides for writs of habeas corpus. Following a determination by a judicial hearing that there is sufficient evidence to substantiate a criminal charge, there is a 15-day period during which the defense may apply for judicial determination of the legality of a person's imprisonment, and a 2-month period during which a person in detention must be charged or released. These time limits were respected during 1985. People who have been charged can be held on remand for only a specified time while awaiting trial. This time limit is not always strictly adhered to because there are too few judges and other officials in the judiciary to process the caseload expeditiously.

No Grenadian citizen was exiled in 1985, although some members of the Peoples Revolutionary Government (PRG) have remained outside the country voluntarily.

There was no forced labor in Grenada in 1985.

e. Denial of Fair Public Trial

Grenadians have the right to fair public trials, under law and in practice. The Bishop murder trial has been subject to a series of delays, in large part caused by the defense exercising its rights to file appeals and motions. One such motion, claiming the 19 cannot receive a fair trial in Grenada because of pretrial publicity, was filed in September 1985 and has not yet been heard.

Chester Humphrey was charged in the United States for smuggling weapons to Grenada in the late seventies. He fled the United States to return to Grenada where he was heralded a leading member of the New Jewel Movement (NJM). Following the 1983 rescue mission, Humphrey was detained in Grenada while the Grenadian courts reviewed a request for extradition to the United States. Although Humphrey claimed he was physically abused, these allegations were never substantiated. Humphrey went on several hunger strikes but received medical attention whenever required. In January 1986, the Grenada Court of Appeals, after a thorough review of the case, determined that Humphrey could not be extradited for the charges contained in the U.S. extradition request. Humphrey was released.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There is no arbitrary interference by the State or any political organization in the private life of individuals. There is no forced membership in any organization and no arbitrary monitoring of telephones or correspondence.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Grenadians are free to say and publish what they want, and they did so in 1985. There are five weekly newspapers, two of which are independent. Three are affiliated with political

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parties. In addition, a local journalist publishes a newsletter irregularly, and the remnants of the Revolutionary Military Council on occasion distribute a flier, "The Revolution." Newspapers freely criticize the Government. There have been no suits for libel or slander.

There is one radio station in Grenada, the government-run "Radio Grenada AM." A second station, "Radio La Baye FM," operated for one week in 1985 before being closed by the Government for not having a license to broadcast. The owner claimed he did have a license, but he possessed only a letter from the Prime Minister's office encouraging him to apply for one. The owner was arrested and charged with operating without a license and also with importing broadcasting equipment on a false customs declaration. The case has not yet been heard.

There is a nascent television broadcasting system on Grenada, organized by a U.S.-based private foundation. The television capability was developed with the cooperation of the Grenada Government. The future of the television facility is under discussion between the foundation and the Government.

b. Freedom of Peaceful Assembly and Association

Grenadians enjoy the right to assemble for any purpose, including the public protest of policies or actions of the Government. Supporters of political parties, including those which were in power prior to October 1983, meet frequently and hold public rallies. There are no controls on private or public associations, and permits are not required for public meetings. On one occasion the Government did attempt to prohibit the MBPM from using a public park for a rally, but it took place anyway, with no arrests or repercussions against the organizers.

Workers are free to organize independent labor unions and to participate in collective bargaining. Unions play a significant role in the Grenadian political process, with approximately 25 percent of the total work force belonging to unions. They can and do strike the public sector legally if they give advance notification. In 1985, all unions were free of government control, and none was given government support. Individual unionists are active in politics but must separate their private political involvement from their union activities. The Grenada Trades Union Council (TUC) participates in the conferences of the International Labor Organization (ILO) and is affiliated with the International Confederation of Free Trade Unions (ICFTU) via the Caribbean Congress of Labour (CCL). Some CCL leaders boycotted the organization's 25th anniversary meeting in Grenada because they felt some of the leaders of the Grenada TUC were too close to the nondemocratic left wing.

c. Freedom of Religion

The predominant faiths are Roman Catholic and Anglican there are many Presbyterians and Methodists as well as Evangelical church members. There is complete religious freedom, which extends to non-Christians such as Rastafarians, who were harassed under the previous regime. Clergy, including missionaries, travel and preach freely. There do not appear to be advantages or disadvantages conferred by adherence to a particular faith, although Christian prayers and hymns are part of many governmental and political meetings.

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d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There is freedom of movement within Grenada, and the right to enter and leave is guaranteed to all Grenadian citizens. Emigration was not restricted in 1985, and all Grenadian citizens who left the islands were able freely to return.

There were no "repatriates" forcibly returned to Grenada in 1985, nor any official cases of refugees who have come to Grenada. (There is a Ba'hai community that has included Iranians who left their homeland to escape persecution). The Government has allowed students and others to return from Cuba and other Communist countries.

In one case the Government denied a citizen the right to a specific trip abroad. An organizer for the MBPM had his passport seized, an action which was upheld by the Chief Justice on the strength of government evidence that the subject would engage in activities harmful to the State if allowed to travel abroad. The decision has been appealed.

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

The Constitution guarantees free and fair elections at least every 5 years. The majority party in Grenada's Parliament is the New National Party (NNP) under the leadership of Prime Minister Herbert Blaize. Formed by the union of three parties in August 1984, the NNP represents a cross-section of Grenada's population. It was voted into office in December 1984 in elections in which 85 percent of eligible voters participated. The election, according to international observers, was free and fair and without violence. The NNP won 14 of the 15 Parliamentary seats, and the Grenada United Labour Party won one seat (its holder left the GULP to form his own party, the Grenada Democratic Labour Party, in February 1985). The Maurice Bishop Patriotic Movement obtained only about 4 percent of the vote.

The political system is not dominated by any particular ethnic group, nor are there any restrictions which limit participation of any elements of the Grenadian population.

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

The present Government has welcomed visits of several human rights organizations, as did the Interim Council which preceded it. In February 1985 a representative of the International Committee of the Red Cross spent 7 days in Grenada, following up on a visit of July 1984. He inspected prison conditions, interviewed the Commissioner of Prisons, spoke with the 19 individuals indicted in the Bishop murder trial, and met with Government officials. A representative of Amnesty International also visited the island to observe judicial procedures and examine prison conditions.

There are no active internal human rights organizations in Grenada.

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Amnesty International in its 1985 report (which covers events in 1984) expressed concern about the detention without charge of members of the People's Revolutionary Government, as well as allegations of mistreatment of those accused of the murder of Prime Minister Bishop and his followers. Freedom House rated Grenada as "free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The World Bank estimates Grenada's 1985 population at 93,000 with a growth rate of 0.8 percent. The estimated per capita income is \$930 per year.

Grenada's economy has been improving slowly since its negative performance in 1983. The Interim Council and the Government of Prime Minister Blaize have embarked on a series of reforms to reduce unemployment by freeing the economy from those government controls which hinder development and by encouraging legitimate local and foreign investors. To date, the investment code has been revised, an industrial development corporation established, exchange controls reduced, many price controls lifted, and some state enterprises privatized. This process is continuing as the Government prepares to review proposals for the privatization of further state enterprises and to consider various tax reform options. Most foreign assistance is targeted at the improvement of Grenada's economic infrastructure and the diversification of agriculture. There are no reliable estimates, but unemployment is about 27 percent, with most unemployed in the 16 to 25-year-old age group.

The World Bank estimated infant mortality at 21.2 per 1,000 live births and the crude birth rate at 31.4 per 1,000. The Government estimates illegitimacy to be 80 percent of all births. Life expectancy is 70.8 years. Voluntary outward migration is the major factor that keeps Grenada's population at a relatively stable level. On the basis of these statistics, it is estimated that at least 32,000 people have emigrated from Grenada between 1970 and 1983, with emigration accelerating greatly during the PRG years. The estimated gross national product for 1984 was \$86.26 million. Income distribution is more even than in most developing countries, although a small group of traders in St. George's, the capital, have incomes well above those in other sectors of the society.

A basic level of health care is available to all Grenadians, and the standard of care has been raised considerably with assistance from abroad. However, according to Project Hope officials who work with the Ministry of Health, a significant health care problem is the lack of trained Grenadian personnel willing to stay and work in Grenada. Medical care facilities, including a general hospital, six health centers, and several "visiting stations," are found throughout the islands. They are not always in good repair, and medical equipment is frequently old or unusable. Methods of recording births, deaths, and diseases are not standardized, making it difficult to rely on local statistics to estimate the extent to which the population's health needs are met.

Adult literacy, according to the World Bank, was 97.8 percent in 1979 although that figure appears high. Functional illiteracy is high among youths and was unofficially estimated at 30 percent in 1980. There is compulsory education for all

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children between the ages of 5 and 16, but daily attendance varies greatly and is not enforced. All the urban population and 77 percent of the rural population had access to safe water in 1975. This may have declined slightly by 1985 due to chronic problems of water distribution in the urban area around the capital. The ratio of calorie supply available for consumption was almost 90 percent (1977) of nutritional requirements. Although it is estimated that malnutrition is not a significant problem in Grenada, due in part to the fertility of the land and availability of fruits, vegetables, and fish to even the poorest, there are high levels of gastroenteritis.

The employment of persons under 16 of age in industry is prohibited by statute, although industry is a very small sector of the economy. Minors do work in family-run shops and farms, a much larger sector. There is no regulation of work hours or minimum wage law although the Government has acted as a model in setting wage rate standards. There are no laws dealing with occupational safety, but common law does allow employers to be sued for negligence.

While there is no formal government-sanctioned discrimination against women in Grenada, they frequently are paid less than men performing the same work. "Skilled" jobs for women such as spice processing also tend to be the lowest paid jobs. In more highly paid work, women tend to be equally paid, although there are fewer women in such positions. Two of the 14 members of Parliament and 4 of the 7 top-level civil servants, permanent secretaries, are women.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: GRENADA

	1983	1984	1985
I.ECON. ASSIST.-TOTAL...	0.0	43.4	11.3
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	43.4	11.3
A.AID	0.0	43.4	11.3
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	43.4	11.3
(SEC.SUPP.ASSIST.)...	0.0	47.0	11.1
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN \$-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & WFP.....	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.1	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.1	0.1
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING.....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG.....	0.0	0.1	0.1
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	0.0	43.5	11.4
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	43.5	11.4
OTHER US LOANS.....	0.0	1.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	1.0	0.0
ASSISTANCE FROM INTERNATIONAL AGENCIES			
	1983	1984	1985
TOTAL.....	0.0	0.0	5.0
IBRD.....	0.0	0.0	0.0
IFC.....	0.0	0.0	0.0
IDA.....	0.0	0.0	5.0
IOB.....	0.0	0.0	0.0
ADB.....	0.0	0.0	0.0
AFDB.....	0.0	0.0	0.0
UNDP.....	0.0	0.0	0.0
OTHER-UN.....	0.0	0.0	0.0
EEC.....	0.0	0.0	0.0

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In 1985 Guatemala made an orderly and open transition from a military regime to civilian rule through elections for the presidency, congress, and municipal governments. The general elections provided a broad array of political options, including the formerly persecuted Social Democrats, who returned from voluntary exile to participate in the 1985 elections. Sixty-nine percent of the eligible voters cast ballots in the November 3 elections, choosing 2 presidential run-off candidates, congressional deputies, and mayors. Sixty-one percent cast ballots in the December 8 presidential run-off election. International observers characterized the elections as efficiently run and free of fraud. The military maintained strict neutrality throughout the campaigning and voting; military, police, and military commissioners were prohibited from voting. Though insurgent groups carried out an active propaganda campaign against the elections, there were no reported insurgent attempts to disrupt the voting. Vinicio Cerezo, the Christian Democratic presidential candidate, was elected to a 5-year term in the December 8 Presidential run-off elections.

Guatemala is primarily an agricultural country, with a dual culture in which the indigenous population continues to preserve its cultural traditions. The economy experienced a deep recession in 1985, exacerbating tensions and curbing the Government's ability to respond to recognized social needs.

The Special Rapporteur for Guatemala of the United Nations Human Rights Commissioner (UNHCR) noted improvement in overall human rights conditions during 2 visits to Guatemala in 1985, citing the movement towards democratization and elections. Politically-related deaths continued to decline and kidnappings and disappearances also decreased. While politically motivated abductions continue, they are now at the lowest level in this decade. Amnesty for insurgents remained available. Government and military sensitivity to human rights questions grew modestly. Some 245 policemen were dismissed for crimes or corruption, and 4 members of a civil defense patrol were sentenced to prison for murdering a villager. Although sporadic abuses still occurred at the local command level, the military displayed an increasing awareness of the importance of human rights. The successful elections, and the road building and model village programs have taken much of the initiative away from the guerrilla organizations. Insurgents still engaged in military actions during 1985, but the number of such incidents decreased, and the number of reported combat deaths was approximately 60 percent of 1984 levels.

A local human rights group, the Mutual Support Group (GAM), continued to function openly. However, one of its members was found tortured and murdered, and another member, along with her son and brother, died under suspicious circumstances. The Government accepted visits by foreign human rights groups and, in fact, extended invitations to several of them. Press freedom was evident; labor union activities continued relatively unimpeded. The rights to private property and to pursue private interests remained untrammelled. Among the negative aspects of the year's developments were the continuation, although at a significantly reduced rate, of killings, disappearances and other abuses by both guerrilla

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and security forces. The officer corps is still immune from prosecution, and the justice system is unable to respond to human rights violations by government officials.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There were an estimated 304 civilian non-combatant deaths in Guatemala in 1985, a significant decline from the 491 killings the previous year. Some of the dead were believed to be victims of the Guatemalan security forces or civil defense patrols, while others were killed by insurgents. In all, approximately 597 persons are believed to have been killed either for political reasons or in combat in 1985 compared to an estimated 992 in 1984.

While there were fewer reports of politically motivated violence in the countryside, there were still allegations of abuses against the Indian population. Most of the alleged incidents reported in 1985 involved persons in the western highlands, where clashes between insurgents and the army are still frequent and often fierce. However, there were no credible reports of massacres during the year. A report that 125 Indians had been massacred in April at Santa Anita las Canoas, department of Chimaltenango was proved false by an onsite inquiry made by U. S. Embassy officials.

At least 50 policemen and 7 military commissioners were killed in 1985. Insurgents tortured and executed an army corporal and an army specialist in the department of Suchitepequez. They also assassinated the chief of the military police intelligence service in August. Insurgents continued their campaign against members of the civil defense forces, killing 33 in 1985.

Victims of violence by the 4 Marxist-led guerrilla organizations in their program of physical intimidation in 1985 included municipal workers, farm owners and managers, and other civilians. Guerrillas in the departments of San Marcos, Retaleheu, Quetzaltenango, Escuintla, Chimaltenango, and Santa Rosa executed 11 farm owners. Four small businessmen were blown up in 2 hand grenade attacks by guerrillas in the department of El Peten, and 2 farm managers were killed near Lake Atitlan. During a May attack on the Santa Ana Berlin military detachment in Coatepeque guerrillas killed 3 civilians, including a woman and a child. In July, near Chico Zapote, guerrillas shot to death 4 civilians, including 2 minors, whom they apparently mistook for army guides. In their most spectacular act of violence, guerrillas blew up an airplane carrying the Norwegian honorary consul, his son-in-law, and 2 others, on October 23, as it landed at a small airstrip; all were killed.

The response of Guatemalan security forces to insurgent violence has on occasion been excessively violent. For instance, following the killings of 2 military commissioners and several civil defense patrol members in Patzun the local military commander carried out a series of abductions and assassinations. By the time reprisal and counter-reprisal had

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finished, 22 people were reported dead by the local press. Town records, however, show 10 people dead and 42 kidnapped; of these 42, at least 10 have reappeared.

Killings have also been attributed to some of the 900,000 members of the civil defense patrols, sometimes in clashes between neighboring patrols or between civil defense members and civilians over land disputes, and sometimes in personal vendettas. There continued to be allegations that civil defense patrol members summarily executed some guerrillas or suspected guerrillas.

The Government has not generally punished members of the security forces for such extra-judicial killings, although some offenders have been dismissed or jailed. In August a police spokesman said that 245 policemen were dismissed during the previous month for "illegal activities", and, in October, 4 members of a civil defense patrol were given 20-year prison terms for murdering a villager. The Guatemalan army continued its unwillingness to punish offenders. After a series of killings and disappearances in Patzun were linked to the local military commander, the army transferred the officer to another post, but it brought no charges against him.

It is difficult to assign responsibility or motive to many of the killings in Guatemala. The guerrillas on occasion use the same weapons, tactics, and uniforms as the army in an effort to place blame on the government forces. Security forces have been charged with using the same tactic. Bodies normally appear without any group taking responsibility for the killings, and even without any evidence that the killings were politically motivated. Such cases, in which there is much speculation and few facts, comprise the bulk of the killings in Guatemala.

Examples of the kind of violence endemic in Guatemala include the March murders of two professors from the National University of San Carlos; the March murder of Manuel Francisco Sosa Avila, a retired general and former Director of the National Police and Minister of Government; the June murder of a university board member and professor; and the August killing of Roberto Castaneda Felice, a prominent businessman and private sector leader. Although any of these deaths might have been politically motivated, there is no evidence which definitively links the deaths to the victim's political or professional activities, and no group has taken responsibility for any of these killings.

b. Disappearance

The number of kidnappings and disappearances fell in 1985 to the lowest level in the 1980's. An estimated 198 people were abducted in 1985, compared with 425 in 1984 and 307 in 1983.

As in the past, the government security forces were accused of abducting people in order to question them about subversive activities. For instance, the local leaders of the Christian Democratic party in Chichicastenango charged security forces with kidnapping a party member in May, and in July an agricultural workers' union in the same town accused the civil defense force of abducting a union member. Security forces have also been linked to the May disappearance of three Rafael Landivar University extension workers. The security forces

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generally deny knowledge of the whereabouts of disappeared persons in response to inquiries.

The insurgent groups used kidnaping to commandeer labor and to punish government collaborators. In March guerrillas in the department of Chimaltenango kidnaped a civil defense patrol member, a catechist, and a farm owner. Insurgents operating in the department of El Quiche kidnaped a supervisor of the National Institute for Electrification at the Chixoy Hydroelectric Project site. Guerrillas also kidnaped whole villages in order to use the villagers as "masas," or providers of food and labor. Occasionally, the army announces the freeing of such groups. In June the army declared that it had rescued 105 residents of the village of El Tumbo, department of El Peten, who, according to the army, were being abducted to Mexico by insurgents.

Students and faculty at the National University of San Carlos continued to be kidnaped in 1985, and some of these cases were attributed to government security forces acting against suspected insurgents or their supporters. In March 2 members of student associations at the university were reported kidnaped, and in July a student social promoter was abducted in Quetzaltenango. Violence affecting university students and faculty is neither unusual nor easily attributable to specific perpetrators or motives. San Carlos has an enrollment of over 50,000 students, many of whom attend on a casual basis for many years. Thus, a victim's association with the university may be only coincidental. The university also is a center of narcotics trafficking and drug-related crime is common.

The Mutual Support Group (GAM), formed in 1984 and comprised largely of families of missing students, named 3 relatives as victims of disappearances in the first 6 months of 1985. This compares to 40 reported disappearances in 1984.

As with killings, it is difficult to assign responsibility or motive for most disappearances and kidnapings. Besides political reasons, kidnapings have also been carried out for criminal purposes (ransom gangs and narcotics traffickers) and for personal vengeance. Among the factors limiting the ability to link a disappearance to a definite faction or group are the inaccuracy of media reporting, the unwillingness of relatives and friends in some cases to reveal the occurrence (especially if a large ransom was paid), and the difficulty of separating political from other motives.

Some disappearances were found to have other explanations. For instance, in August the National Police announced that among the missing person cases they had solved, one "victim" had been working as a maid in Guatemala City, another had joined the army, and a third had run away with her boyfriend. In July a librarian at the University of San Carlos in Quetzaltenango was reported missing. Later, she was discovered at the home of some relatives in the capital city. Also, persons involved with the insurgency are known to leave the country for travel to Soviet bloc countries, including Cuba, or to Mexico, by pretending to disappear; friends and relatives report them as kidnaped or disappeared. In March the army reported that a guerrilla captured at Sayaxche, in El Peten, admitted that he and several workers from a mill in Escuintla, whose photos had appeared in the Guatemalan press as "disappeared," had really gone to Cuba to receive military training.

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c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Although the civil and criminal codes expressly prohibit physical and mental torture, the practice continues. The press regularly reports the discovery of bodies of persons who had been tortured. In only a few cases has the identity of the perpetrators been established, but it appears that torture is employed by many groups. Government security forces, vigilante groups, guerrilla organizations, and criminals have all been held responsible for such acts.

There is strong evidence that harsh treatment and torture are inflicted on some detained persons by government security forces. For instance, in October the police claimed that a young man, Cesar Ramos, attempted suicide in the bathroom of a Guatemala City police station by shooting himself in the head with a pistol he stole from a police officer. Family members, however, charged police with beating and then shooting the young man. In September a Guatemalan mother claimed that she was abducted and forced to watch alleged Government security agents beat her son, who had been abducted a day earlier by men identifying themselves as policemen.

The guerrillas also have not hesitated to use torture to intimidate and to punish government collaborators. In August, 4 Indian members of a civil defense patrol who had been abducted by insurgents were found bound, tortured, shot, and with their throats slashed. The bodies were left on the Coatepeque-Port Ocos Road, department of Quetzaltenango. Guerrillas in Suchitepequez tortured and killed an army corporal, and in May a farmer in Chimaltenango was abducted, beaten, and shot by insurgents. In October, the Guatemalan army rescued 62 peasants who had been held by insurgents near the municipality of San Juan Cotzal. The rescued peasants, all of whom were in poor health and suffering from malnutrition, were used as camp workers by the guerrillas. Included among them were 37 children.

Several human rights groups have accused the Government of operating secret prisons where torture is used during interrogation. The Government denies these allegations, and their accuracy has never been confirmed. The United Nations Human Rights Commission's Special Rapporteur for Guatemala, Viscount Colville of Culross, announced in August that he had found no evidence of secret jails. An Amnesty International group inspected police facilities in Guatemala City without finding clandestine detention centers. In September, following rumors that secret jail cells had been found in the basement of the Ministry of Finance, reporters and television news crews were given free access to the building. They found no cells.

Allegations that the "model villages" constructed under the "Development Poles" rural resettlement program are concentration camps are not credible and do not accurately reflect the views of inhabitants or most outside observers. Two of the 50 communities under development in the model village program, Sarraxoch and Acamal, serve as "half-way" houses for guerrillas who have taken advantage of the Government's amnesty program. Access to these 2 villages by nonresidents is controlled.

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As in 1984, the principal government prison, Granja Penal Pavon, was the site of a riot in which several prisoners were killed and others wounded. Government officials acknowledge that the prison population is in excess of the facility's capacity, and that the budget is inadequate for the number of prisoners. Prison officials blame overcrowding and gang warfare for much of the violence. There is no policy of physical punishment at Pavon or at the other prisons, and the facilities do not have a reputation for inmate mistreatment. However, in 1985 a Guatemalan court indicted prison guards for their role in a 1984 riot at Pavon, and several top prison officials were dismissed after the death of several inmates during rioting in 1985.

d. Arbitrary Arrest, Detention, or Exile

The Government does not use involuntary exile as a form of punishment, nor are critics of the Government arrested and convicted on unrelated charges. During 1985 the Government facilitated the voluntary departure from Guatemala of several people who sought protection in the Colombian, Venezuelan, and other diplomatic missions. As a matter of policy, the Government regarded these people as "guests" of the diplomatic missions in which they requested asylum and refused to refer to them as "asylees."

The Government claims that service in the civil defense patrols is voluntary. However, in many rural areas it is required of able-bodied males. In areas where service is required, exemptions may be obtained for medical reasons or by paying another man to perform the service. In a recent pastoral letter, the Metropolitan Archbishop of Guatemala City criticized the civil defense patrols as "obligatory service" and said patrol members' time would be better spent providing for their families. In conversations with Embassy officials, heads of the civil defense patrols in conflict zones expressed little doubt about the important role the patrols played in protecting their villages from guerrilla attack.

Under the legal code, persons may not be held for more than 48 hours without being brought before a judge and charged with a crime. Despite this and other legal provisions, the illegal detention of individuals suspected of being insurgents or insurgent sympathizers continues to be a serious problem. The Government officially denies that any persons are held in custody for political reasons.

In September, in response to 700 writs of habeas corpus filed by the Mutual Support Group, the Supreme Court advised that it had been unable to find any of those missing. In May the Mexico-based Guatemala Human Rights Commission, which is a front for the guerrilla movement known as the Organization of People in Arms (ORPA), requested 103 writs of habeas corpus. These writs also did not lead to the discovery of any detainees.

Compulsory labor is prohibited by law and is not practiced in Guatemala.

e. Denial of Fair Public Trial

Although there is little overt military interference in the operation of Guatemala's courts, judicial officers tend to

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respond to indications of special interest in particular cases by high government or military officials. The practical effect of such "influence" is that the judicial system is unable to respond to human rights violations committed by the authorities.

Persons arrested in Guatemala are guaranteed the right to legal counsel at all hearings, and lawyers are provided by the state if the defendants cannot afford them. However, the lawyers provided are usually law students. Also, the majority of the nation's lawyers live near Guatemala City, and it is difficult to retain legal counsel in the countryside.

Defendants may be released after posting bail at the discretion of the magistrate. However, the judicial machinery is cumbersome and slow and it is not unusual for defendants to spend several months in prison before the courts render a decision on their guilt or innocence.

In 1985, the Constituent Assembly enacted new laws of habeas corpus and amparo which went into effect January 14, 1986, upon the inauguration of the civilian Government.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The new Constitution guarantees the inviolability of the home and of personal correspondence and private papers. During 1985 the Government continued to set up roadblocks in the interior to check documents of travelers and to search vehicles for security reasons. The Treasury Police also used roadblocks to search for contraband and to interdict smuggling across Guatemala's 4 borders. Security forces have entered homes without warrants in search of guerrilla safehouses and arms caches. Government security agents have allegedly entered homes of kidnap victims without judicial authorization in search of weapons or other items.

Charges that private correspondence is tampered with continue to be made. Postal authorities acknowledge that this sometimes happens and blame dishonest employees. Letters bearing checks to relatives of Guatemalans living in the United States are a particular target of mail theft. In September the Government initiated a new mail-handling system to counter such thievery. There have also been allegations of mail tampering and telephone tapping by security forces.

Although the security forces have an intelligence network, there is no organized system of government informers or neighborhood watch committees in urban areas. However, civil defense patrols have served as a means of reasserting government control over the countryside. The involvement of large segments of the rural population obviously contributes to the Government's ability to monitor the movement of its citizens, an important function of the civil defense patrol in countering the insurgency. Guerrilla organizations have accused military commissioners--rural civilian representatives of the military--as well as other rural government employees of being "informers." Insurgents have assassinated a number of such persons.

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Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Government affirms these rights, and no major abuses were reported in 1985. There were no indications of any attempt to prevent the media from freely airing diverse viewpoints and actively covering the spectrum of political opinion during the election. In fact, there were concerns that the close relationship between parts of the media and some candidates in the Presidential election might threaten the "independent" stance of the media.

This situation of press freedom contrasts sharply with that of recent years when newspaper reporters and broadcast journalists were frequent targets of political violence. Lingering fears still serve to limit the exercise of press freedoms somewhat. While opposition views and even criticism of the Government are aired freely, journalistic self-restraint results in only perfunctory coverage of topics dealing with the military, national security, official corruption, police investigations, and some judicial proceedings. Journalists are not prevented from entering or covering newsworthy events in conflict zones, but they rarely do so. Guerrilla organizations and civil rights groups, including the GAM, have access to the media through communiques and manifestos, the Government no longer preventing their publication. In fact, in September the Communist Guatemalan Workers' Party (PGT) published a message in the press on its anniversary.

Radio is Guatemala's most pervasive medium, with over 100 privately-owned stations operating throughout the country. The Government owns and operates 6 radio stations and one television station, which broadcast a variety of news, educational, and entertainment programs. Four major independent daily newspapers are published in the capital. The Government publishes one daily with official announcements, decrees, and selected news items.

There is no censorship of either local or foreign books in Guatemala, but a few local writers and artists continue to live and work outside Guatemala. In March immigration officials confiscated several publications that a foreign priest brought into Guatemala. Authorities claimed the publications were Marxist literature but later returned them to the cleric.

The main campus of the University of San Carlos has been a center of violence, political and other kinds, in recent years. Students and faculty continued as victims of disappearances and killings in 1985. Though some of these acts were attributed to Guatemalan security forces, there rarely was evidence which strongly linked the disappearances and killings to the victim's association with the university. In September the army occupied the campus of the university for two days following a week of widespread rioting over bus fare and other price hikes. The Government charged that student groups headquartered on campus were using the economic-inspired unrest as an opportunity to provoke further civil disorder.

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b. Freedom of Peaceful Assembly and Association

The Basic Statute of Government affirmed the rights of petition, assembly, and political association. These rights have been reaffirmed through the process of democratization that began with the elections for the Constituent Assembly in July 1984, the political activities which followed that election, and the election of a civilian Government in November 1985.

Twelve political parties met the requirements for running candidates in the November presidential, congressional, and municipal elections. Politically, these parties span the spectrum from social democrats on the left to extreme conservatives on the right. Beginning with the 1984 Constituent Assembly elections, and continuing through the general elections of November 1985, freedom of political assembly has been respected by the Government. Although some political activities have been struck by violence, there is no indication that any such incident was linked to the Government.

Workers have the right to organize, strike and bargain collectively in conformity with the labor code, which requires a process of negotiations and conciliation before a legal walkout can take place. These procedures often make it difficult to call a legal strike. However, the new Constitution which went into effect on January 14, 1986, specifically expands workers' rights, including the right to organize for government workers. The new Constitution requires a revision of the labor code and it is expected that many of the factors inhibiting strikes and other labor actions will be removed.

There are approximately 300 active labor unions in the country and their organization is basically divided into two types: legally recognized and active centrals, and underground centrals. The largest and most significant legally recognized central is the AFL-CIO-affiliated Confederation of Sindical Unity (CUSG), a democratic confederation that follows the principles of the free trade union movement and emphasizes economic unionism. In mid-1985, it consisted of 11 federations with approximately 150,000 members. The balance of 200,000 organized workers belong either to independent federations or to independent locals. The CUSG is an affiliate of the International Confederation of Free Trade Unions (ICFTU).

Two union organizations have links to Marxist groups. They are the Autonomous Syndical Federation of Guatemala (FASGUA), the trade union arm of the orthodox Guatemalan Communist Party, with some 6,500 members, and the National Workers Central (CNT), a Marxist-dominated ad hoc group of union locals without legal recognition, representing about 4,000 members. Although local affiliates of these organizations are often active in labor disputes, the 2 parent groups are not active in Guatemala. However, they issue press bulletins and manifestos from outside the country.

During 1985 there were several pending complaints against the Government before the Committee on Freedom of Association of the International Labor Organization (ILO) about abductions of trade union leaders and legal advisors. These complaints had been filed by the International Confederation of Free Trade

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Unions (ICFTU) and by the Latin American Permanent Worker's Congress (CPUTAL). Also, the ILO cited Guatemala for noncompliance with Conventions 87 and 98, which affirm public workers' right to strike and the right of unions to engage in partisan political activities.

Aside from trade unions, there are numerous professional and trade associations in Guatemala. These groups operate autonomously, without government interference, and often exercise considerable political influence.

In 1985 labor leaders continued to be targets of violence. In March, Alfredo Castillo Jimenez, an agricultural labor leader, was killed in front of union headquarters in Jutiapa. The son of the CUSG's secretary general was kidnapped by unidentified persons and then released, as was Julio Celso de Leon, head of the Institute of Studies and Social Development (IGEPOS), part of the American Workers' Central (CLAT). Though violence against labor leaders has dropped considerably, the head of one union claimed that the "climate of violence" continued to inhibit union activity.

c. Freedom of Religion

The right to freedom of conscience and to free exercise of religion is recognized and these rights are respected in practice. Legal recognition is granted to all denominations.

More than 70 percent of the population practices Roman Catholicism. Many Indians, however, combine Roman Catholic tenets with elements of the traditional Mayan religion. Evangelical churches have grown rapidly, especially among Indians, and their followers number about one-quarter of the population. In addition, there is a small Jewish community.

Foreign Catholic clergy and religious workers actively proselytize in Guatemala. Foreign Protestant evangelical clergy have been joined in their efforts by local representatives of Guatemala's growing evangelical movement. One result of this religious mixture has been some tension between Catholics and Protestants. Although authorities deny any deliberate policy of discrimination, evangelicals nevertheless have cited cases of intimidation by the National Police and other government officials.

Catholics and evangelicals are freely permitted to preach and develop congregations. However, some have reported misunderstandings with local authorities over civil defense patrol duties. In January, 5 evangelical ministers were abducted in the department of El Peten. Press reports attributed the kidnappings to military commissioners. The 5 have not reappeared. In March a Guatemalan Mennonite social promoter was killed in Santiago, Sacatepequez. In a case which drew international press coverage, the army captured an American Seventh Day Adventist, Thomas Greenley, transporting a boatload of medicines up the Rio Usumacinta on the Guatemala-Mexico border. Greenley, who carried no identifying documents, claimed he was on a medical mission for a Seventh Day Adventist clinic based in Mexico. The military, however, accused him of delivering medicines to the guerrillas. Despite this suspicion, the Government turned Greenley over to United States consular officials and expedited his departure from Guatemala.

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In 1985 the Guatemalan Catholic Church took outspoken stands on human rights issues. The Archbishop issued a pastoral letter in October which condemned violence and disrespect for human rights. The Guatemalan Bishops criticized the "democratic opening" as incomplete, since some elements of Guatemalan society supposedly feared to take part in the elections. The letter also expressed concern that the civil defense patrol leaders might try to force their patrol members to vote for a specified candidate (a fear which subsequently proved to be unfounded.) The Archbishop appeared in several newspaper advertisements calling on people to vote, and participated as a panel member in one presidential debate. In August the Archbishop called for respect for human life and law and for dialogue between the "factions" of Guatemalan society. He cautioned against blaming any one sector of society for the violence which has beset Guatemala, claiming many groups were responsible.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government does not limit the freedom of movement of its citizens within the national territory. There are no restrictions on foreign travel or on the right to reenter the country. All citizens are free to migrate to other countries.

The UNHCR estimated that approximately 46,000 Guatemalan refugees, mostly Indians from areas afflicted by insurgent activities, continued to live as refugees in Mexico, primarily in the border areas of the state of Chiapas. The Guatemalan Government has accepted this figure as accurate. Since 1982, the Government has followed a policy of encouraging "voluntary and orderly" repatriation of all displaced persons and assisting their reintegration into the country. In a recent speech to the United Nations, then-Foreign Minister Fernando Andrade said "the infrastructure" is in place to provide returning persons with security, housing, food, and the opportunity to become productive members of society. The Government tries to return displaced persons to their former villages. However, in cases where this is impossible, due either to the destruction of the village or the refugees' fears of reprisals, the Government places them in one of the model villages in the rural resettlement program. These villages are home to some 50,000 people, approximately 1.4 percent of the highland population.

Following a general decline in guerrilla activity, and the decision by Mexico to relocate the displaced persons to near the Bay of Campeche, away from the border, displaced persons began to return to Guatemala. The number who returned in 1985 is difficult to estimate, since most came in small groups and entered Guatemala the way they left, avoiding government immigration stations along the border. Some international refugee assistance organizations estimate that 3,000 refugees returned to Guatemala in 1985.

Some foreign clergy familiar with the western highlands of Guatemala contend that it is not safe for many displaced persons to return. They assert that the refugees will be improperly identified as guerrillas and killed. The Government denies this, pointing out that many towns near the Mexican border, such as Nenton in the department of Huehuetenango, are largely populated with people who returned

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safely from refugee camps in Mexico. Civil defense patrol leaders in towns along the border told United States Embassy officials in October that those displaced persons who were not part of the insurgency have nothing to fear in Guatemala. However, they did say that such persons who were regarded as having been active insurgents and having killed people would not be welcomed and could expect to be treated in the same manner as they had treated their fellow villagers before fleeing. There is no evidence that returning displaced persons have been singled out for persecution by government security forces.

Some groups have charged that the model village program violates the right of freedom of movement by herding people into "concentration camps." This characterization is rejected by inhabitants of the model villages and most observers who have visited them. With the exception of two villages discussed in Section 1.c., which act as "half-way" houses for once-active insurgents, there is no official policy of limiting movement into or out of the villages. However, especially in model villages located in conflict zones, the usual practice is for a villager to request a "pass" from the local civil defense patrol leader when the villager wants to travel outside of the village. The villager must present this pass to the civil patrol in each village he visits. Civil defense patrol leaders claim that this pass ensures the "safe conduct" of their villagers. They note that such a method of control is necessary to prevent guerrillas from infiltrating their towns. In some model villages, inhabitants have been restricted to the village area during the construction period. Later they have been free to leave if they wish. Many go to the coast for seasonal agricultural jobs. Some families have returned to their traditional mountain homes.

In addition to those who sought haven in Mexico, a major by-product of the insurgency was the internal displacement of as many as 400,000 persons since 1981. Both government and private agencies working with displaced persons agree that the number is now substantially below that figure. As one measure of the decline in the number of displaced persons, the Guatemalan army noted that 244 displaced persons applied for assistance at model villages in the departments of El Quiche and Alta Verapaz during the first six months of 1985. This compares with 731 in 1984 and 975 in 1983. Various government programs have resulted in assistance to almost all the displaced and the permanent resettlement of the majority.

Insurgent groups continued to set up roadblocks, extracting war taxes and haranguing the people they stopped. They carried out several ambushes on roads south of Lake Atitlan, robbing and killing several civilians. In October they also briefly occupied Tikal, a prime tourist attraction.

Following a pattern that began under the Rios Montt Government in 1982, Guatemalans living in voluntary exile continued to return to the country in 1985. For instance, members of the formerly persecuted Social Democratic Party returned to Guatemala and participated in the November 1985 elections.

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

Guatemala was ruled throughout 1985 by a de facto military-controlled Government which took power following a

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coup on August 8, 1983. The Chief of State, General Oscar Humberto Mejia Victores, governed with the advice of a council of military commanders and a cabinet of ministers composed of both military officers and civilians.

Constituent Assembly elections took place as planned on July 1, 1984 when 1,157 candidates ran for the 88-seat Assembly. Of an estimated 3,500,000 eligible voters, 2,554,000 registered to vote, and of these 72 percent cast ballots. In 1985 the Assembly drafted a new Constitution, completing its work on May 31. The Constitution went into effect on January 14, 1986, when the civilian Government was inaugurated. It guarantees individual rights and provides for a human rights commission which is to be composed of a deputy from each political party represented in Congress. Congress will select a human rights procurador, or ombudsman, from candidates proposed by the commission. The procurador will have judicial powers and the prerogatives of a member of congress and will be empowered to enforce constitutionally guaranteed human rights. The Assembly also drafted a new electoral law and new habeas corpus and amparo laws.

National elections were held on November 3, 1985 and December 8, 1985, in spite of a deteriorating economic situation, serious rioting in September, and an election-inspired upturn in guerrilla violence which seriously tested the army's ability to guarantee the safety of voters and polling places in the departments of El Quiche, San Marcos, and Huehuetenango. Some 2,750,000 citizens registered to vote in the general elections, an increase of 250,000 over the Constituent Assembly elections, and 69.2 percent cast ballots in the general elections. Voters chose two presidential run-off candidates, Vinicio Cerezo and Jorge Carpio, from a field of eight candidates. Voters also chose 100 members of Congress and 330 Mayors. The Christian Democratic Party (DCG) won 38.6 percent of the presidential vote and 51 seats in the Congress. Its nearest competitor was the Union of the National Center Party, which won 20.3 percent of the presidential vote. The National Liberation Movement (MLN)/Institutional Democratic Party (PID) alliance won 12.5 percent of the vote, and the United Anticommunist Party (PUA)/National Unity Front (FUN)/ Emerging Movement for Harmony (MEC) coalition trailed with 1.9 percent. The Social Democratic Party won 3.4 percent of the vote and elected 2 members to Congress. In the presidential run-off election, Christian Democratic candidate Vinicio Cerezo won 68.37 percent of the vote. His opponent, Union of the National Center candidate Jorge Carpio, garnered 31.63 percent of the vote.

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

The Government maintained an open door to visits by human rights groups during 1985. Such visitors included the UNHCR Special Rapporteur for Guatemala; Americas Watch; The American Friends Service Committee; Amnesty International; the Faculty for Human Rights in El Salvador and Central America; the Fellowship of Reconciliation; the Inter-American Human Rights Commission; the International Human Rights Law Group; the Peace Brigades International; the Nicaragua-Honduras Education Project; the Unitarian-Universalist Service Committee; the Washington Office on Latin America; and French and German parliamentarians.

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The UNHCR Special Rapporteur, Viscount Colville de Culross, visited Guatemala in February and August of 1985. He met with the Chief of State, the Foreign Minister, the Minister of the Interior, the President of the Supreme Court, the Supreme Electoral Tribunal, and the Auxiliary Archbishop. He also traveled to the interior. Mutual Support Group representatives chose not to meet with him. In public statements, Viscount Colville declared that the process of democratization was on track and that he looked forward to the elections with "great enthusiasm." He expressed concern about the unsolved disappearances and killings but also stated that the human rights situation continued to improve, and he suggested that such progress should be encouraged. He found no evidence of secret jails or clandestine interrogation centers.

Human rights groups continued to criticize human rights abuses in Guatemala in 1985. Amnesty International, in its 1985 Report on Guatemala (which covered events in 1984), charged that paramilitary groups "acting under government orders or with official complicity (the so-called 'death squads') were responsible for massive human rights violations, including arbitrary arrest, torture, 'disappearance' and extrajudicial executions." While acknowledging that many peasants had died in guerrilla attacks, Amnesty International claimed that "the majority of killings and other abuses of non-combatant civilians were carried out by uniformed and plainclothed military and security agents acting under orders."

Americas Watch claimed in a report issued in September 1985 that the "human rights situation under General Mejia was no better than under General Rios Montt."

The Washington Office on Latin America (WOLA), in its August 1985 report, "Security and Development in the Guatemalan Highlands," said the "rhetoric with which the military government presents its security and development programs is laudable and contains many positive elements." However, the report went on to conclude that the civil patrol system and some model villages "entail continuous and widespread violations of civil and labor rights."

The Mutual Support Group (GAM), a Guatemalan human rights group formed in 1984 to locate missing relatives, continued its activities in 1985. In a June communique, GAM listed 693 relatives as "detained-disappeared" since 1980. GAM's dissatisfaction with the efforts of the Tripartite Commission, founded by General Mejia in late 1984 to investigate cases of missing persons, led to a series of public protests. GAM's actions included demonstrations in Guatemala City and the peaceful occupation of the National Congress building and some government executive office buildings. In March, following one "occupation," a government spokesman warned GAM to obey the law. Shortly thereafter, the Chief of State said GAM was being unwittingly manipulated by subversives. Following this accusation, GAM member Hector Gomez Calito was abducted, tortured, and murdered by unidentified assailants. In early April, a GAM director, Rosario Godoy de Cuevas, was found dead in her automobile at the bottom of a ravine near Guatemala City. Dead along with de Cuevas were her child and brother. These killings led to a GAM-led protest march in Guatemala City which attracted international attention.

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ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Guatemala has a population of over 8 million and it is growing at a rate of 3 percent annually. The per capita income of \$1,055 has fallen by 14 percent during the last 3 years.

Guatemala has sharp economic class distinctions. A small economic elite controls a significant portion of the commercial, agricultural, and financial resources of the country: approximately 50 percent of private investment, 20 percent of coffee production, and 100 percent of the largest industries. The middle class accounts for less than 20 percent of the population. Together, the upper and middle classes receive two-thirds of total income. According to the latest available figures, 21 percent of the urban population and 25 percent of the rural population are below the poverty line. The economy is divided into traditional and modern sectors. The traditional sector is rural and agricultural, and consists mostly of subsistence farmers and farm laborers. Of the 2,470,000 economically active people in Guatemala, approximately 1,482,000 work in the traditional sector, existing outside or on the edge of the money economy.

The economy has been in recession since 1980. A combination of world-wide recession, political instability in Central America, low commodity prices in world markets, and the disruptive effects of the insurgency on internal demand have had a devastating impact. The unit of currency, the quetzal, has gone from parity with the U.S. dollar to an exchange rate of almost 3 to 1 in less than a year. Inflation is running at 60 percent. Currently, 10 to 11 percent of the population is unemployed and 30 to 40 percent is underemployed. This situation is chronic and there is little hope for change in the near future. The economy is contracting and cannot supply nearly enough jobs for those who enter the work force each year. In 1983 the real rate of economic growth was minus 3.2 percent and employment fell by 5 percent. One study estimates that of the 75,000 people who entered the work force in 1984, only 33,000 were able to find employment. The desperate nature of this situation is underscored by the fact that 55 percent of the population is under 19 years of age.

In 1982, the latest year for which statistics are available, the caloric supply available for consumption was 97 percent of nutritional requirements. Despite considerable public investment in potable water projects, medical centers, and clinics, health services and sanitation are generally poor in rural areas. In 1980, again the latest year for which figures are available, 45 percent of the total population, but only 18 percent of those living in rural areas, had access to safe drinking water. Life expectancy at birth was 61 years in 1985, but the infant mortality rate rose from 63 per 1,000 live births in 1984 to 67 in 1985.

The literacy rate was 46 percent in 1973; 53.6 percent for males and 38.5 percent for females. In 1983 the enrollment in primary school was 72 percent, with males 77 percent and females 66 percent. Because half the population of Guatemala are Indians, who learn Spanish as a second language, literacy is a particularly difficult problem. To attack it and address the educational needs of the Indian populace, the Government has developed a bilingual education program.

The Government continued its model village rural resettlement

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program, a joint civilian/military effort to reconstruct and settle 49 villages on or near their original sites. Each town each has a potable water supply and electricity, at least one school, a church, postal and telegraph service, private bus service, and a health clinic. Some of the model villages have a military detachment nearby to provide security. In 1985, 24 villages had been completed and are inhabited.

Guatemalan workers are protected by a variety of laws which establish minimum wages, minimum working age, and maximum working hours, and attempt to establish minimum safety standards at the workplace. However, regulations are frequently ignored by employers, and the Government's ability to enforce these laws is less than adequate.

Guatemala is a Latin society in which most women play traditional roles; there is no discrimination against women by law, but de facto discrimination is rooted in centuries of cultural practice. Although figures show that over one-half the female population has not been educated and that 94 per cent of the women residing in rural areas had less than 3 years of schooling in 1978, it is estimated that 30 percent of the students enrolled in Guatemalan universities are women. They study education, law, business administration, pharmacy, humanities, and psychology and go on to careers as health workers, teachers, or office workers. The number of women occupying professional and managerial positions is small.

Several women university graduates have been named to high government positions. General Mejia appointed Eugenia Tejada de Putzeys as Minister of Education in 1983. When de Putzeys resigned in 1985, General Mejia replaced her with another woman, Aracely Judith Samayoa de Pineda. Other women serve as judges of lower courts, principally in the area of family law. The Ministry of Labor established an Office of Women's Affairs which has responsibility for encouraging the advancement of women. There was a continuation of the participation of women in politics during 1985. Three women served in the 88-member Constituent Assembly. Only 3 other women had been elected to the National Congress in the previous 35 years, and none to past Constituent Assemblies. There are 7 women deputies in the new Congress, including one Indian woman from the Department of Chimaltenango. President-elect Vinicio Cerezo has announced that he will appoint Ana Catalina Soberanis Reyes as Minister of Labor.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: GUATEMALA	1983	1984	1985	
I.ECON. ASSIST.-TOTAL...	29.6	20.3	103.9	
LOANS.....	17.5	6.7	59.7	
GRANTS.....	12.1	13.6	44.2	
A.AID	22.3	4.5	75.7	
LOANS.....	17.5	0.0	39.7	
GRANTS.....	4.8	4.5	36.0	
(SEC.SUPP.ASSIST.)...	10.0	0.0	12.5	
B.FOOD FOR PEACE.....	5.4	13.2	28.2	
LOANS.....	0.0	6.7	20.0	
GRANTS.....	5.4	6.5	8.2	
TITLE I-TOTAL.....	0.0	6.7	20.0	
REPAY. IN 3-LOANS.....	0.0	6.7	20.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	5.4	6.5	8.2	
E.RELIEF.EC.DEV & WFP.	1.1	1.9	3.8	
VOL.RELIEF AGENCY.....	4.3	4.6	4.4	
C.OTHER ECON. ASSIST...	1.9	2.6	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	1.9	2.6	0.0	
PEACE CORPS.....	1.9	2.6	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.5	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.5	
A.MAP GRANTS.....	0.0	0.0	0.0	
B.CREDIT FINANCING.....	0.0	0.0	0.0	
C.INTL MIL.ED.TRNG....	0.0	0.0	0.5	
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E.OTHER GRANTS.....	0.0	0.0	0.0	
III.TOTAL ECON. & MIL...	29.6	20.3	104.4	
LOANS.....	17.5	6.7	59.7	
GRANTS.....	12.1	13.6	44.7	
OTHER US LOANS.....	0.0	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	0.0	0.0	
ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	1946-85
TOTAL.....	102.4	135.8	235.6	1368.7
IBRD	18.5	50.0	44.6	390.6
IFC	0.0	0.0	0.0	18.2
IDA	0.0	0.0	0.0	0.0
IDB	83.3	84.5	191.0	925.1
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.6	1.3	0.0	23.5
OTHER-UN	0.0	0.0	0.0	11.3
EEC	0.0	0.0	0.0	0.0

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Guyana is a republic headed by an executive president, with a parliament, an independent judiciary, and a multiparty system. For twenty years Guyana's politics were dominated by Linden Forbes Sampson Burnham, who died unexpectedly on August 6, 1985 of a heart attack. His People's National Congress (PNC) first came to power in a coalition government with the United Force (UF) Party in British-supervised elections in December 1964.

Upon Burnham's death, Prime Minister Hugh Desmond Hoyte became President and was elected as leader of the PNC. The 1980 Constitution was followed to the letter, with Hoyte replacing Burnham in an orderly succession. President Hoyte dissolved Parliament on October 29, and national and regional elections were held on December 9, 1985. According to official results, the PNC won 78.5 percent of the vote. Its closest rival, the People's Progressive Party (PPP), won 15.8 percent of the vote. In the 1980 elections, the PNC got 77.6 of the vote. Prior to elections, several Guyanese electoral practices were revised which in the past had helped to call into question the fair and free character of Guyanese elections. However, these changes were insufficient to ensure that the voting and ballot counting processes were not marred by serious charges by opposition parties and by some civic organizations of election rigging.

On December 12, 1985, Desmond Hoyte was sworn in as Guyana's president for a 5-year term. The next day, five opposition parties held a public rally to protest what they described as widespread election fraud by the PNC. PPP leader Dr. Cheddi Jagan said he would call for strikes and demonstrations to bring down the Government. President Hoyte responded by saying he would not tolerate any attempt to disrupt the peace and create unrest. By year's end, calm prevailed despite continued allegations by critics of the PNC that they were being harassed by the Government in retaliation for condemning the elections as fraudulent.

Race apparently was less of a factor in the 1985 elections than previously. Although some members of the Indo-Guyanese community allege that the Government discriminates against them on grounds of race, the Government has denied these allegations. The Government and party leadership include a significant proportion of Indo-Guyanese, both Muslim and Hindu.

Individuals are free to pursue private interests, and rights to private property are respected. Social services and employment in the public sector seem to be open to all citizens on a racially nondiscriminatory basis. Indo-Guyanese continue to dominate the entrepreneurial aspects of the economy while Afro-Guyanese dominate the public sector, including the civil service.

In 1985, the human rights climate improved. There were fewer allegations of police killings of criminal suspects or of wanted criminals, and security personnel at Timehri International Airport conducted fewer random body searches. The Mirror, the newspaper of the opposition PPP, was allowed to receive part of a shipment of newsprint which it had been sent as a gift. There was more publication of opposition viewpoints in the government-owned media, although opposition views were still given very selective treatment. The

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Government continued its refusal to permit the independent Catholic Standard newspaper to import free gifts of newsprint.

International human rights activists were barred from coming to Guyana to investigate electoral conditions. Guyana Trades Union Congress (TUC) president George Daniels was confronted by progovernment efforts to undermine his TUC leadership. Police failed to prevent a progovernment group from totally disrupting the annual general meeting of the Guyana Council of Churches on March 12.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There were no politically motivated killings or summary executions in Guyana.

b. Disappearance

There were no politically motivated disappearances, clandestine detentions, or abductions in Guyana.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is prohibited by the Constitution. In March, the government-owned Guyana Chronicle carried an editorial in support of Amnesty International's week-long observance of abolition of torture. There have been no allegations of the use of torture in Guyana as a deliberate tool of political control. However, human rights activists believe that confessions are often forced from prisoners by police. The Government admits that during its ongoing campaign against criminal activities, some mistreatment of criminal suspects has taken place due to undisciplined police. In its annual report covering August 1984 to August 1985, the Guyana Human Rights Association (GHRA) alleged five cases of cruel, inhuman, or degrading treatment in 1985.

The GHRA has charged that physical conditions within prisons are "deplorable," although it concedes some improvement. While prison conditions are Spartan, the Government claims adequate diet and medical facilities are available.

d. Arbitrary Arrest, Detention, or Exile

Under the Constitution, no person may be deprived of personal liberty except as authorized by law. The right of habeas corpus exists and is generally respected. There have been a few allegations of individuals arrested and held for periods of from several hours to several days and up to 3 weeks.

In June 1985, the National Security Act was renewed. It provides that persons suspected of crimes under the act may be held up to 3 months without charges, after which they must be released or charged. It also authorizes searches without a warrant. No one has been detained under the Act since 1977. The GHRA questioned the renewal when "there is no political unrest or external threat to the country."

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In the past, the Government has tried to use the legal system for political purposes. The courts have frequently dismissed charges which were obviously politically motivated; however, the litigation has been time-consuming and expensive for members of the political opposition. Such actions have constituted a form of harassment.

There have been no exiles from Guyana.

The Constitution provides that "no person shall be held in slavery or servitude and no person shall be required to perform forced labour." Government opponents claim that "voluntary" labor by civil servants one Saturday a year on Hope Estate, a government-owned coconut plantation, is forced labor because government employees are afraid of losing their jobs if they do not attend these work sessions. The practice of offering volunteer workers at Hope the opportunity to purchase scarce goods at favorable prices is used as an inducement to attract workers.

e. Denial of Fair Public Trial

Guyana maintains a British common law system and legal procedures. Many lawyers and members of the Guyanese judiciary were trained in the United Kingdom. The Constitution protects the right of anyone charged with a criminal offense to a hearing by a court established by law. This right is respected in practice. Guyana has a functioning bail system, and defendants are accorded fair public trials and represented by counsel, who are court-appointed when necessary. Timely charges are presented, and appeals can be made to higher courts. There are no special courts for political security cases nor any political prisoners. Although opponents of the Government have asserted that "as an institution" the judiciary "has shown an increasing inability to resist the encroachment of politics," they cite no specific legal cases to support their allegations. No trials have been held in private. The independence of the judiciary and the integrity of the judicial process have been respected.

There are apparent delays in the judicial proceedings, due in part to shortages of trained personnel and materials. The GHRA believes the judiciary places too much emphasis upon enforcing the Government's policies against "economic crimes."

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

In addition to the National Security Act's continued authorization of searches without a warrant, a rice bill became law this year which contained a provision to prevent smuggling of rice by granting appropriate authorities the right to "enter and search any premises...where padi or rice is stored;...or stop and search any aircraft, ship, carriage, animal or thing." However, there were no complaints or abuses under this new law.

The Government generally respects the right to privacy of those persons who are not actively engaged in any effort to express public views or to work in active political opposition to the Government. Some Working People's Alliance (WPA) and PPP activists have complained of politically motivated searches without a warrant for weapons, ammunition, or contraband. Under the National Security Act, such searches

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are legal. In December, police revoked Dr. Jagan's license to possess a firearm. The GHRA reports that the constitutionally questionable practice by Timehri International Airport authorities of randomly conducting "body searches" has "diminished." Forced resettlement of the population has not occurred in Guyana.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Constitution affirms freedom of speech and press. However, the Government has control over the media both directly through ownership of the country's only daily newspaper and only radio station and indirectly through licensing of the importation of newsprint and printing presses used by other publishers. The PNC presents its views in the government-owned Guyana Chronicle and the ruling party's New Nation. Opposition viewpoints are freely expressed without prior censorship in several weekly papers, which, because they have only limited access to newsprint, resemble news sheets more than newspapers. In 1985, the Government reversed its previous policy of not permitting the importation of donated newsprint by allowing the PPP's newspaper, The Mirror, to receive a gift of newsprint from the Soviet Union, on condition, however, that the newsprint be distributed among all newspapers in proportion to their circulation figures. In fact, the gift was divided between the PPP's Mirror and the PNC's "New Nation" with the latter getting most of it. In addition, the Government promised to assist The Mirror by facilitating the importation of a new printing press. However, the Catholic Standard, weekly newspaper of the Roman Catholic Church, has not been permitted to receive donations of newsprint despite repeated requests to the Government. Apart from restrictions on newsprint, opponents of the Government allege that libel suits have been used as an "intimidatory device" against opposition weeklies. But there may have been some instances when careless investigation of reports and exaggerated rhetoric by weeklies legitimately invited libel suits.

Guyanese receive printed materials from abroad, but scarce foreign exchange is generally not available for subscriptions to foreign publications. The Caribbean Contact, a monthly regional newspaper which is published in Barbados and which has been unrelenting in its hostility to the Government, is freely available and sold locally for Guyana currency. Foreign and regional radio broadcasts, including Voice of America, can be received.

The Government owns the country's only radio station, the Guyana Broadcasting Corporation (GBC), which broadcasts the BBC World News Service twice daily. GBC is highly selective in reporting the views and activities of opposition parties, although in 1985 it appears to have aired the views of the parliamentary opposition parties--the PPP and the UF--more frequently than in previous years. This year Guyana's elections commission allocated free radio time to opposition political parties. The Chronicle published objective summaries of these broadcasts and publicized opposition meetings. However, the WPA filed suit against the GBC for refusing to sell it air time in addition to what was provided gratis. Because the Government believes that the media should serve "developmental" needs, which in practice is defined as

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supporting government policies, journalists employed by the government-owned media employ self-censorship; unfavorable or objective reporting has cost such journalists their jobs on occasion. The Guyana News Agency (GNA) edits items which the government media receive from wire services. In the past, GNA largely relied on the Soviet news agency TASS and the Cuban news agency Prensa Latina for the bulk of the international articles appearing in the government-owned Guyana Chronicle. By the end of 1985, GNA drew much more frequently on American and other wire services for its news articles. As a result, reporting on world events became more balanced than in past years.

The Government record on academic freedom is good. Several opposition Working People's Alliance leaders and Guyana Human Rights Association activists teach at the University of Guyana. Opposition parties have organized student groups there.

b. Freedom of Peaceful Assembly and Association

The Constitution guarantees freedom of assembly and association, and in general, individuals can freely associate. However, under the Public Order Act, police permits are required for public political meetings. At his discretion, the police commissioner can refuse permission for a meeting without explanation. In March 1985, the court decided an action brought by a WPA activist in October 1981, concerning the constitutionality of the police commissioner's refusal to grant permission to hold several public meetings in various locations. The commissioner based denial of the request on the "volatile social climate." The case was dismissed on the grounds that the activist had applied to the wrong police station for holding the meetings.

In general, opposition political parties complain of delays in receiving permission from the police to hold public political meetings or of inadequate police protection to prevent some of their meetings from being disrupted by toughs allegedly associated with the ruling party. However, opposition political parties held public rallies which were not disrupted. According to Guyana's police commissioner, parties applied to hold over 700 public meetings during the 6-week campaign period. Of those, he said few had to be rescheduled due to conflicts with other meetings. The Government did not attempt to disrupt the public rally sponsored by opposition parties on December 13.

Workers in Guyana are legally free to join unions and to strike. Legislation setting out democratic procedures enabling unorganized workers to choose a union and organized workers to change unions has been proposed but not yet enacted. Guyana has militant and powerful unions which oppose the Government. Strikes in the government-owned sugar industry are common, and strikers are generally not penalized. However, strikes in other public sectors have met more resistance. After a 1983 strike in the government-owned bauxite industry many workers, including all shop stewards, were dismissed. The Guyana Trade Union Congress (TUC) is still negotiating for their reinstatement. The Government has the authority to declare any strike "political or illegal." Although it has not exercised that right since 1979, some trade unionists believe that the mere existence of this authority has an intimidating effect on independent trade union activity.

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The TUC is the sole national trade union center; its 70,000 members and 24 affiliates constitute the entire unionized work force. It is responsible for centralized collective bargaining although a court challenge to legislation which gave it this status is still pending.

Seventeen TUC unions support the ruling Government while seven unions, including the two largest, oppose the Government and are either affiliated with the opposition PPP or the WPA or are politically independent. Until September 1984, the progovernment unions, which have disproportionate voting power in electing the TUC's executive board, dominated the organization. At the 1984 annual TUC conference, the dissident unions narrowly won control of the executive board. Since that election, the new TUC leadership has been embattled. Legal actions brought against unions which are in opposition to the Government seem to be designed to frustrate union activity. In spring 1985, progovernment dissidents in the Public Service Union (PSU) obtained injunctions against the holding of PSU elections and its annual conference, thus virtually paralyzing union operations and forcing it to incur large legal expenses. Another suit brought by a progovernment faction is pending against the opposition Guyana Mine Workers Union. Even if the unions are ultimately victorious in the courts, the delay and expense of the court procedures weaken and intimidate them.

In May 1985, the Government pulled PNC-affiliated unions out of traditional TUC-sponsored Labor Day rallies and mounted government/PNC-sponsored rallies which overshadowed and seriously diminished the effectiveness of TUC rallies. Arbitration, mediation, due process, and judicial review are all available to unions in Guyana. Unions, trade associations, private associations, and professional bodies freely maintain relations with recognized international bodies in their fields, both public and private.

c. Freedom of Religion

The Constitution guarantees freedom of religion and there is complete tolerance of religious faiths in Guyana. Christians (44 percent), Hindus (42 percent), Muslims (12 percent), and Baha'is (2 percent) are free to practice their religions without restrictions. There is no favored or official state religion. Foreign missionaries are permitted to enter the country to proselytize. Adherence to a particular faith does not confer any advantage in civil, political, economic, military, or other secular status.

On March 12, a demonstration by a PNC-formed ad hoc group called "Concerned Christians," supported by adherents of the "House of Israel," a paramilitary religious cult led by a fugitive from U.S. justice, forced the Guyana Council of Churches (GCC) to cancel its annual general meeting. The demonstration was apparently prompted by a GCC working paper critical of the Government's economic policies and accusing the Government of political repression and of eroding human rights. On March 18, the government-owned radio station carried an "official commentary" characterizing the GCC document as "nothing short of treason." In addition, Anglican Bishop Randolph George was singled out for abuse in a government-owned media campaign which lasted several weeks. A suit was filed against Bishop George in November by a member of the Anglican Church who was reportedly active in the

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"Concerned Christians" group. The suit charges that the April 16 and 17 Diocesan elections were fraudulent. In a possible effort to reconcile political differences between the Government and certain religious groups, one of the first official acts of President Hoyte was to form a religious advisory committee. However, it was not apparent by the end of the year that this committee was serving a conciliatory role.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration and Repatriation

Freedom of movement within Guyana is guaranteed by the Constitution and is permitted. However, since the colonial period, travel to certain Amerindian areas has required government permission. In the past, permission has at times been withheld, apparently on political grounds, but there were no such reports in 1985.

Guyanese are free to travel abroad, to emigrate, and to return to Guyana. Occasionally opposition politicians have been stopped and searched at the international airport, but reports of such searches diminished in 1985.

During 1985, no Guyanese had his citizenship revoked or his passport taken permanently for political reasons.

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

Critics of Forbes Burnham had charged that he maintained himself in power for over 20 years through control of the security apparatus, rigged elections, harassment and intimidation of the opposition, as well as through state control of the economy and public sector jobs. Prime Minister Hugh Desmond Hoyte, who became President in a smooth and orderly constitutional succession on Burnham's death in August has activated three new mechanisms to channel the participation of Guyanese who are not members of the PNC into the decisionmaking processes of the State. He has established two 15-member presidential advisory committees, one on the private sector and another on religious affairs. The third mechanism for increasing popular participation in governmental decisionmaking is the 123-member National Economic and Social Council which met for the first time on September 14, 1985, even though its creation was provided for in the 1977 State Planning Act. The Council is supposed to facilitate the widest possible participation of the Guyanese people in the policy-making, planning, monitoring, and evaluation connected with development programs.

Despite an effort by the Marxist-Leninist PPP to get PNC agreement to postpone elections indefinitely, constitutionally mandated parliamentary elections were held on December 9, 1985. The elections were marred by allegations of fraud by opposition parties, by some civil organizations, and by the bishops of the Anglican and Roman Catholic Churches. The Government admits some irregularities but denies that they were extensive. The PNC won 78.5 percent of the vote which gave the party 42 seats in the National Assembly, a gain of one seat. The PPP won 8 seats, losing 2 from the 1980 elections. With 3.4 percent of the vote, the UF retained its 2 seats. The WPA which boycotted the 1980 elections got 1.3 percent of the vote and was given one seat. Three other

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opposition parties ran in the elections but won no seats. The PNC won a similar victory in elections for seats on the regional democratic councils of Guyana's 10 administrative regions.

Constitutionally, all citizens 18 years of age or older were eligible to participate in the political process and to vote; citizenship has not been denied on political grounds. Opposition parties and other critics of the Government mounted a pre-election campaign for free and fair elections. The Government was partially responsive by eliminating postal balloting and by severely restricting overseas and proxy voting. Also, it gave preliminary voters' lists to all political parties in a timely manner to permit identification of possible errors and allowed additional time for opposition parties to appoint agents to monitor polling stations and counting centers. Nonetheless, these and other measures failed to ensure that the 1985 elections would be perceived to have been completely free and fair. The Government admitted foreign journalists to cover the elections but did not allow admission of foreign human rights observer groups. Under the "Representation of the People Act," the Government may or may not choose to count the ballots at the polling stations as demanded by the opposition.

Opposition parties charged there was widespread disenfranchisement of their supporters, multiple voting by PNC members, and instances in which opposition polling agents were prevented from carrying out their functions. The PPP and WPA withdrew their polling agents in protest of alleged fraudulent practices before the polls closed. In response to such criticism, the GBC carried an official commentary in which the Government admitted to imperfections in the election process which it said even caused some of its own supporters to be denied the opportunity to vote. The commentary claimed that these imperfections did not constitute fraud and suggested that if opposition parties were serious about their allegations they could refer them to the courts.

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

The Government has regarded outside criticism of its human rights practices as interference in its internal affairs. In 1985, the government media paid more attention to human rights matters. Their reaction to the "1984 Country Report on Human Rights Practices" was moderate. The Government has responded to past criticisms and has moved to correct some human rights abuses such as police killings, instances of police brutality bordering on torture and complaints about the deteriorating social infrastructure of the country such as water, electricity and sewerage.

In February 1985, the Government refused visas to a "Joint Mission" from the British Parliament Human Rights Group (PHRG), Americas Watch (AW) and the International Commission of Jurists (ICJ), which was proposing to visit Guyana "to inquire into and to make recommendations concerning the legislation and procedures governing national elections in Guyana." The Government said the Mission constituted interference in Guyana's internal affairs and warned that the groups would not be allowed entry into Guyana under any circumstances. Despite the Government's public rejection of

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the "Joint Mission," Americas Watch and the PHRG went ahead with the proposal. The ICJ dropped out. The Joint Mission conducted its "investigation" from Port of Spain, Trinidad, and met with representatives of many of the opposition groups. Lord Chitnis, a member of PHRG, headed the panel. The "Interim Report of the joint mission to Investigate Political Freedom in Guyana" concluded that although "to some extent freedoms still exist in Guyana and some of the worst human rights abuses taking place in other countries of the region are not found here, there are serious grounds for concern, especially about the guarantees necessary for free and fair elections and the functioning of authentic democracy." The report of the "Joint Mission" was widely publicized in the opposition press in Guyana.

The Guyana Human Rights Association (GHRA) is a nongovernmental organization formed in late 1979 with support from trade unions, professional organizations, and churches. It issues periodic press releases and an annual report on human rights observance in Guyana.

The association has attempted to draw international and regional attention to the human rights situation in Guyana but has been hampered in its campaign by insufficient documentation of the alleged human rights abuses. The GHRA claims that, to preserve its objectivity, political activists are discouraged from holding executive positions. Yet its executive committee is dominated by leading critics, if not opponents, of the Government. Government media have denounced the GHRA as an opposition entity, and the Government is clearly irritated by the GHRA's reporting, which it labels "antinational and unpatriotic." Nevertheless, there has been no physical violence against human rights activists in Guyana.

Guyana generally has not been active in international human rights forums, but the Government has taken a leadership role in criticizing human rights violations in South Africa, Namibia, and "Palestine," openly conceding in these cases that human rights transcend international frontiers and that concern for human rights does not constitute interference in internal affairs.

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Guyana has a population of about 800,000, which is estimated to be growing at the rate of 0.4 percent per year. Many Government opponents question these population figures, however, arguing that Guyana's population has actually declined to about 650,000 as a result of emigration. Guyana's "official" economy is comprised of public, private, and co-operative sectors, with the public sector dominating. Agriculture and mining are the most productive activities with sugar, bauxite, and rice accounting for approximately 80 percent of export earnings. There is also a large and vibrant black market economy which is fueled by the illegal exports of gold, diamonds, shrimp, rice, and practically any other locally-produced commodity which can be sold abroad. Although opinions differ and statistics are impossible to obtain, some observers believe that this black market accounts for nearly 50 percent of the economic and commercial activities in the country. In 1984, the Guyanese economy underwent a mild recovery, growing approximately 2 percent over a disastrous 1983. There was some recovery of production in the sugar and bauxite industries. However, the medium-term economic outlook

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for Guyana is bleak. World market prices for sugar and bauxite are extremely low. Declining production, obsolete plants and equipment, emigration of skilled personnel, and the absence of incentives for private investors (both foreign and domestic) have all contributed to the current economic crisis, as have high prices for imported goods, adverse weather conditions affecting rice and sugar production, and inefficient management. Unemployment is estimated at about 35 percent; however, statistics in these areas are hard to obtain and their accuracy is open to question.

The Government has taken various measures to cope with the economic crisis. In 1985 it announced new price incentives for the rice, beef, dairy, and peanut industries. Negotiations to reach an agreement with the International Monetary Fund (IMF) on a standby facility continue, but in May 1985 the IMF declared Guyana ineligible to make further drawdowns from the fund's resources, and the Government publicly stated that it was not prepared to accept the IMF's "harsh and unsuitable terms of conditionality."

In 1985, the Government began efforts to reverse the deterioration of essential services such as water, electricity, sanitation, and health care, utilizing local funds and financial assistance from the Netherlands, the Inter-American Development Bank, and the European Economic Community.

Guyanese have a life expectancy at birth of 70 years; the infant mortality rate is 33.6 percent per 1,000 live births. Many school buildings are in poor condition, text and exercise books are in short supply, and the number of teachers has declined. According to World Bank figures, in 1980, the adjusted primary school enrollment rate was 103 percent for males and 105.8 percent for females. In 1970, Guyana has an estimated adult literacy rate of 91.6 percent. Since 1975, the Government has had a formal policy of providing free education from nursery school to university; however, it has proven costly to maintain. Opponents accuse the Government of politicizing education and allege that this is the principal cause of declining educational standards.

In Guyana, children under age 14 may not be employed in factories or related enterprises, or on ships, but may be employed by their parents as long as their employment does not interfere with school attendance. Women and children under fourteen may not work at night except in special circumstances. The Government is empowered by law to prescribe minimum wages, and, in November 1985, a joint Government-TUC agreement was announced stating the 1986 minimum wage in the public sector would be raised from \$15.10 per day to \$16.80 per day. The TUC had called for a minimum wage of \$25 per day which, it claimed, was the minimum necessary to sustain an urban family of six. Wages in the private sector which are governed by collective bargaining agreements tend to be higher than public sector wages. In 1984 the Ministry of Manpower instituted 17 prosecutions for failure to pay prescribed wages, allow holidays, pay overtime rates, or produce required wage registers. Substantial fringe benefits for both private and public sector workers, such as vacation, transportation, housing allowances, annual automatic step increases, etc. make it difficult to generalize about real income.

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The Government may, by law, prescribe the daily or weekly working hours, but hours are generally negotiated between organized labor and employers. In November 1985, a joint Government-TUC committee was established to implement a reduction of the public sector work week from 44 to 40 hours. Laws regulate the health, welfare, and safety of workers, setting minimum standards of cleanliness and general maintenance. In 1984, the Ministry of Labor made 565 inspections of work places, investigated 600 complaints, and instituted eight prosecutions. The Government runs occupational safety and health campaigns regularly, urging workers to consider such things as fire safety.

The Guyanese population is divided into 51 percent East Indian, 43 percent African and mixed Africans, 4 percent Amerindian, and less than 2 percent European and Chinese. Many Indo-Guyanese allege that the Government discriminates against non-PNC members in the allocation and distribution of social services and employment in the public sector.

However, historical, cultural, religious, and demographic factors, rather than any overt discrimination, seem to be largely responsible for the existing racial patterns. Most Indo-Guyanese parents prefer their children to be businessmen, independent farmers, or professionals rather than civil servants, policemen, firemen, or soldiers.

The Government has emphasized the role of women in development and acted to promote and to protect women's rights. There is still discriminatory legislation against women in Guyana's statutes, but the 1980 Constitution clearly makes discrimination against women illegal and therefore unconstitutional. While most Guyanese women continue to occupy their traditional roles as homemakers, a number have moved into important positions in government, business, and the professions and serve as role models for other women. Mrs. Viola Burnham, the wife of the late President, was appointed Vice President for Education and Social Development. Afro-Guyanese women are among the principal supporters of the ruling People's National Congress.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: GUYANA

	1983	1984	1985
I.ECON. ASSIST.-TOTAL...	0.1	0.0	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.0	0.1
A.AID	0.1	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.0	0.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	0.0	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.1
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN \$-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.1
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.1
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING.....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	0.1	0.0	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.0	0.1
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0
ASSISTANCE FROM INTERNATIONAL AGENCIES			
	1983	1984	1985
TOTAL.....	1.5	40.8	54.6
IBRD	0.0	0.0	0.0
IFC	0.0	0.0	1.7
IDA	0.0	0.0	8.8
IDB	0.0	40.7	44.1
AOB	0.0	0.0	0.0
AFOB	0.0	0.0	0.0
UNDP	1.5	0.1	0.0
OTHER-UN	0.0	0.0	0.0
EEC	0.0	0.0	0.0

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Haiti is ruled by President-for-Life Jean-Claude Duvalier, who succeeded to the presidency upon the death of his father in 1971. In June 1985 the National Assembly adopted Haiti's first political parties law and passed 31 constitutional amendments. The amendments created a prime ministership but also augmented the president's powers, reaffirming the ultimate authority exercised by the President-for-Life. Legislative elections were advanced from February 1990 to 1987. The unicameral Assembly is normally elected to 6-year terms, but, like all government institutions, is dominated by the President. Most opposition politicians have rejected the political parties law but two parties, one independent and one progovernment, have begun the registration process in order to contest the 1987 elections. Elections under the Duvaliers historically have not been free, although the 1983 municipal and 1984 assembly elections were actively contested and less impeded than prior elections.

The police are a part of the Armed Forces of Haiti under the Ministry of Interior and Defense. The national militia, called the Volunteers for National Security (or VSN by its French acronym), report directly to the President. Neither the Armed Forces nor the VSN plays a significant role in the governmental decisionmaking processes.

Haiti remains the poorest country in the Western Hemisphere. Nearly 80 percent of the rural population and more than half the urban population live below the absolute poverty level. The Government receives economic assistance from international donors to help address problems resulting from overpopulation and an agriculture devastated by soil erosion. Despite an expanding assembly industry, Haiti's economic problems remain acute.

Continuing a trend which began in late 1984, the independent media have criticized the Government and commented on contentious political issues with unprecedented vigor. In addition, on April 19, a presidential amnesty freed 37 political and state security prisoners. The Government claimed that the April amnesty cleared the jails of political prisoners, but the amnesty left the whereabouts of several persons unaccounted for.

Two Haitians allegedly distributing political pamphlets were killed by security forces on April 22. In July the police arrested six persons for circulating an unregistered newspaper and expelled three Belgian priests, including the director of the church's Radio Soleil for news reporting which the Government contends exceeded the station's charter. In December the radio station itself was closed by the authorities for 3 weeks. In November, security forces fired on student demonstrators in the town of Gonaives, killing 4 and wounding 14 and thereby setting off widespread protests in other cities. On December 17 the Government announced the arrest of some officials for the shootings. Also in December, the Government detained for 4 weeks a leading opposition figure and former minister, Hubert Deronceray, allegedly for possession of subversive documents.

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RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

During the night of April 22, two Haitians were shot and killed by government security forces, according to the Government, while they attempted to flee after being caught distributing political pamphlets near Port au Prince City Hall and exchanging shots with the police. Nongovernment sources reported that both men were killed at a military prison in the presence of a government minister. No pamphlets or other evidence were presented to support the government's version of events. The Government stated that it sincerely regretted the killings and that they did not represent a new repressive policy or strategy. On November 28, 4 students were killed and 14 people were wounded as the result of military actions to quell demonstrations in the town of Gonaives. Two of the killings were apparently unprovoked, and a commission of inquiry was formed to investigate the shootings. Two officials were subsequently arrested for shooting the students.

Questions continued to be raised throughout 1985 about the killing of Father Albert DeSmett, a member of the same order as the priests expelled in July, which occurred several days before the expulsions. Church officials at the time reported that available evidence indicated DeSmett was killed during a robbery in his room, presumably by the same intruder who had burgled DeSmett's room the previous week. The Government's autopsy and police investigation reports, which might help clarify the matter, have not been made public.

b. Disappearance

Following the April 1985 amnesty, the Government was asked about 15 unaccounted-for persons, all but 2 of whom had reportedly been detained before 1985. Of these two, one was subsequently released, while the second remains unaccounted for. (A previously unknown detainee was also released.) The Government has stated its intention to investigate the reports of these persons' detention and to attempt to determine their whereabouts.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

A number of political prisoners were reportedly seriously beaten during 1985 while being interrogated. One of those released in the April amnesty, Antoine Leroy, bears scars from the beatings. He was rearrested in October on suspicion of being involved in a conspiracy to overthrow the Government. Other political prisoners released in April described cases of beatings they had witnessed or had heard about from fellow inmates. Abuse of nonpolitical prisoners is less frequent but does occur, usually in the smaller towns by unsupervised police or militia. In mid-December the director of a Protestant school in Gonaives, Fritz Bernard, died while in the Gonaives jail, allegedly from a severe beating.

Prison conditions are generally primitive in Haiti, but prisoners are normally permitted to receive visitors, food, and medical treatment. However, particularly in the early

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stages of an arrest or when they are taken to the Casernes Dessalines military prison, prisoners are often kept in degrading circumstances, such as stripped to their underwear in crowded and unsanitary conditions. The cells in the Casernes have no windows, no lights, and only buckets for toilets. Visitors usually are not allowed into the Casernes, and food is not always provided. An American citizen, implicated in an October coup plot, was denied visitors at the Casernes for 2 weeks following his arrest.

d. Arbitrary Arrest, Detention, or Exile

Haitian law requires the arresting authority to present to the accused a warrant specifying the alleged violation of law. If an arrest is made without a warrant, a judicial ruling on the validity of the detention must be obtained within 48 hours. This procedure is not always observed, although there are indications that the Government is increasingly attentive to observing legal procedures. Generally, those persons confirmed as having been detained for political reasons in 1985 were released within 48 hours or held longer only after the Government obtained the necessary judgment. However, the Government failed to respect this procedure in the cases of two American citizens and Hubert Deronceray, all of whom were facing political charges. In 1985, detainees were normally allowed contact with family members; previously, detainees had often been held incommunicado.

On April 29, a presidential amnesty freed 37 political and state security prisoners including the 19 persons detained in November 1984 and members of the Heraux Group, who had been tried and convicted of a 1983 bombing in Port au Prince. At that time the Government stated that it no longer held any political prisoners. However, the amnesty left several persons unaccounted for, and there were several detentions reported in late 1985 in connection with an exile plot to overthrow the Government, as already mentioned. As 1985 closed, the number of persons detained in Haiti without charge is unknown, but the figure for political detainees, judging from the list of unaccounted-for persons, could range up to 20.

Haitian law requires a suspect to be charged at least 2 weeks prior to the trial. This does not always happen in practice. The law permits legal counsel for defendants, but a client is sometimes not allowed to meet with his lawyer until immediately before the trial. There is no system of bail, though "provisional liberty" can be obtained in some cases. Juries and tribunals are both used to hear cases, render judgments, and impose sentences. Defendants have the right to appeal a conviction within 3 days of the decision.

During 1985, the Government twice resorted to the expulsion of persons deemed to pose a political or security threat to the regime. Three Belgian priests were expelled in July because of alleged political activities. Former Minister of Interior and Defense Roger Lafontant, although not legally expelled, was compelled to leave Haiti on October 4. Two persons freed under the April amnesty are known to have heeded government warnings to leave Haiti for an extended period.

A 1984 amendment to the labor code revised the provisions on forced and compulsory labor to bring them into compliance with the relevant convention of the International Labor Organization (ILO).

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e. Denial of Fair Public Trial

The judiciary is independent of the executive only in theory. The culmination in 1985 of legal proceedings stemming from a 1984 shooting death illustrates the degree of political interference in some cases. The incident involved a bodyguard to the then-Minister of Interior and Defense who was shot to death by a nightclub owner in what appeared to be self-defense. The issue erupted into a test of political strength between government factions. The owner was released and rearrested in a series of judicial reversals after two senior Ministry of Justice officials became involved in the case. The Supreme Court finally acquitted the owner in March after it had been instructed by the President to see that justice was done. The decision was hailed in some legal circles as a victory for Haitian justice, but in fact the case illustrated the limitations on the judiciary's independence.

In early April, the National Security Court was convened for the first time to retry the Heraux Group, five suspects in a 1983 Port au Prince bombing which killed several persons. The defense had appealed their earlier convictions by the ordinary courts, arguing that the case was political and therefore properly in the domain of the National Security Court. The defense prevailed and the second trial (like the first in 1984) was conducted in conformity with normal judicial procedures. The trial was open, and lawyers for the accused mounted a vigorous defense. The original convictions were sustained, but the life sentences were reduced to 9 years, which local legal observers regarded as more appropriate to the crime. All five Heraux Group convicts were later freed in the April 29 presidential amnesty.

After a 52 percent budget increase in fiscal year 1985, the Ministry of Justice received a further 32 percent rise in fiscal year 1986. In September, Justice Minister Theodore Achille introduced legislation designed to reduce the backlog of cases plaguing the courts. The changes include lengthening the annual court calendar, extending the hours for daily court sessions, and imposing penalties on judges who do not complete caseloads and lawyers who do not vigorously defend clients.

In the past, political prisoners in Haiti were seldom brought to trial. The 1985 retrial of the Heraux Group before the National Security Court followed an appeal of earlier convictions. The failure to bring other political prisoners to trial in 1985 appeared to result either from the brevity of their detention (the journalists in June) or from their release under the presidential amnesty before their cases were ready for trial. In nonpolitical cases, it is not uncommon for the accused to wait at least 6 months before the case comes to trial.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There is no systematic interference with the right of privacy or the sanctity of the home. However, when searches and the monitoring of homes do occur, it is generally without a warrant. No one is known to have been subjected to house arrest in 1985.

The Volunteers for National Security (VSN) is a national militia. It performs security functions and serves as an

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informer system, reporting to the President on the political opposition and threats to the regime. This group is responsible for a number of abuses and is known to act arbitrarily, often in areas nominally falling under police jurisdiction.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Although the Constitution guarantees each citizen the "right to express his thoughts in all matters and by every means at his disposal," government actions and legislation sharply curtail this right. The 1980 press code requires that all publications be submitted 72 hours in advance for governmental review, that all journalists be accredited by the Ministry of Information, and that no material critical of the Duvalier family be published. The first of these requirements is often unenforced, but the media are aware that their freedom to operate depends on the sufferance of the Government. This induces an awkward attempt to gauge the current depth of government patience and the degree of self-censorship necessary to avert a government crackdown.

On balance, 1985 witnessed some improvements as well as setbacks in the ability of the media to perform an important role in Haiti's political development. Just as previous periods of relaxed press controls have coincided with government attempts to project itself as a liberalizing institution, expanded media activity has accompanied President Duvalier's repeatedly expressed intention to democratize Haiti. The Government's steps towards implementing its reform program provided the media with many opportunities to play a wider role in political events.

Encouraged by President Duvalier's January 2 speech promising major reforms, the independent media became increasingly bold in reporting, analyzing and debating contentious political issues. The three established news magazines (Le Petit Samedi Soir, Information, Inferno, and Le Courrier, a new entrant) featured articles by and about the major opposition leaders and their critical views of government policy. These publications are able to attract advertising by major businesses without government interference. New subjects receiving independent comment in 1985 included the political parties law, presidency-for-life, policy differences between the International Monetary Fund and the Government, and achievements of Haitian emigres. Some press accounts contradicted government claims of a massive turnout in the July referendum and detailed local voting irregularities.

In August, a government official lost his job after he criticized the referendum in Le Courrier. Although the Government apparently reacted against one of its own officials criticizing its policies, rather than against the article per se, the incident received extensive comment in press circles.

There are four Haitian dailies: one is the official government paper, and the others, while privately owned, are basically progovernment. The daily press is still considerably less adventurous than the magazines, but it too is expanding the scope of its coverage to include controversial events which sometimes cast the Government in an unfavorable light (for example, official corruption). The

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progovernment Le Matin welcomed the annual commemoration in July of the founding of the VSN with paeans to its service to the Government and country; the next day it ran a blistering editorial condemning the random shooting sprees many VSN had engaged in following the formal celebrations. Le Matin criticized the Government for having allowed the rampages to occur and followed up the next day with reports of casualties and pictures of some of the wounded. In 1984, opposition figures were almost never mentioned by name; this year, some of the opposition communiqués appeared in the dailies, and Gregoire Eugene's treatise, "The Haitian Miracle is Possible," received balanced reviews.

The church-owned radio stations, Radio Soleil (Catholic) and Radio Lumiere (Protestant), are important outlets for independent information. The Government expelled Radio Soleil's director in July. The Government also embargoed utility services to the station, forcing it to rely on an expensive generator for nearly a month. In December the Government closed Radio Soleil for 3 weeks reportedly for ignoring repeated government warnings to refrain from "sensationalist" broadcasting. In light of this disturbing action, Protestant station Radio Lumiere suspended its own news programming in an apparent effort to steer clear of the controversy and to protect its own broadcasting license. The government-run Radio Nationale and Television Nationale reflect only government views. A privately owned cable television company servicing Port au Prince (Telehaiti) generally broadcasts uncontroversial news, although in its coverage of the referendum, Telehaiti quoted a New York Times dispatch citing widespread voting irregularities.

The arrest of six persons on July 20 at the offices of Inferno in connection with the banned journal, Conviction, was another reminder of the constraints on journalism. The Government regards Conviction as illegal because it is not properly registered and is the organ of a political party, Sylvio Claude's Haitian Christian Democratic Party, which is also considered illegal.

There are generally no restraints on the sale or distribution of Haitian publications, but foreign publications are reviewed by the Government upon arrival and those deemed offensive are confiscated. Dailies depend heavily on Agence France Presse for international and even local news; articles with Haitian themes often are tailored to fit local sensitivities. Publications openly hostile to the Government, such as those of U.S.-based exile groups, are barred from the country.

b. Freedom of Peaceful Assembly and Association

Although the Constitution grants Haitians the right to assemble peaceably and to form unions, political parties, and cooperatives, all formal associations and public assemblies of more than 20 persons must have government authorization. Professional, cultural, religious, trade, and smaller nonpolitical groups, however, generally operate unhindered and associations are usually free to affiliate with overseas groups.

In 1985, there were two attempts, one successful and the other not, to organize independent mass rallies in Port au Prince. Nearly 80,000 youths marched in February under the auspices of the Catholic Church, ostensibly to commemorate International

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Youth Year. Because of persisting church-state tensions, however, some government officials viewed the march as a provocation. The Government proscribed a second attempted youth march, proposed in June for the purpose of protesting Haiti's economic and political systems. Widely believed to have been instigated by leading oppositionist figure Hubert DeRonceray, this march was banned on the grounds that it would have unconstitutionally opposed the presidency-for-life and been a threat to public order. On November 28 street demonstrations in the town of Gonaives were marked by violence as police fired on demonstrators. At least 4 persons were killed and 14 wounded in this disturbance. On December 17 the Government announced that persons implicated by the Commission of Inquiry in these deaths had been detained for further judicial proceedings.

In September, DeRonceray and five associates were detained for several hours; the Government accused them of attempting to stage a provincial rally without the permit required by law for any public assembly of more than 20 persons. The Government also claimed that DeRonceray was acting outside the limits of the political parties law. For similar reasons DeRonceray and three others were prevented from visiting the Jacmel area on September 29. On the evening of December 4 Hubert DeRonceray was arrested by police officials allegedly for possession of subversive documents found in a search of his home and office. He was released a month later without ever being formally charged or brought before a judge.

The Government amended the labor code in 1984 to facilitate the formation of unions by employees, to protect the rights of Haitian workers abroad, and to prohibit forced labor. Haitian workers have the legal right to strike. The labor code allows Haitian labor unions to engage in collective bargaining. In practice union demands have usually been subject to compulsory arbitration under the Ministry of Social Affairs.

Haiti's nascent trade union movement continued to grow in size and stature in 1985. In his May Day address, President Duvalier reaffirmed the legality of the Federation of Union Workers (founded in 1984) and stressed the "potential of these unions" to improve living conditions for the working class. Also in May, the 300-member Central Sugar Cane Union of Les Cayes became the tenth union to join the Federation, raising the total membership to 2,800. This gave the Federation its first affiliate outside the Port au Prince area and extended representation to workers who have historically labored under very poor conditions.

The president of the Federation, Joseph Senat, has worked hard to seek international respectability for his organization. He represented Haitian workers at the June conference of the International Labor Organization in Geneva. He later met with officials of the International Confederation of Free Trade Unions (ICFTU) and with AFL-CIO officials to discuss assistance to the Federation. In March, a delegation of the ICFTU's regional organization, the Inter-American Regional Organization of Workers, visited Haiti to assess the local labor situation. In 1985, four federation members received labor training in the United States.

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c. Freedom of Religion

Roman Catholicism is the official religion of Haiti and is embraced to varying degrees by about 80 percent of the population. Voodoo, a religion combining Christian and African animist elements, is also practiced by a majority of Haitians. All other religions are freely practiced by their adherents, including Bahaism, Judaism, and numerous Protestant sects. The Government generally does not interfere with proselytizing, missionary activities, sects which affiliate with overseas coreligionists, religious instruction, or publishing.

For many years now, the Catholic Church and the Government have competed in several areas, notably in the provision of such social services as education. Because of the church's independent influence, the state has traditionally been suspicious of the church and its foreign connections. The quality of church-state relations fluctuated in 1985, and they were troubled by five events: February's church-sponsored march in Port au Prince; an April incident in which a VSN member shot at a priest in the Port au Prince archbishopric; the July expulsion of the three Belgian priests; the December closing of Radio Soleil; and the death of Father DeSmett. The relationship reached a nadir when the church, to protest the expulsions, refused to participate in the VSN state ceremonies. The Government responded with a harsh week-long, antichurch campaign in the official media. The church continues to complain of government interference in clerical matters (such as the assignments of priests).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government does not normally restrict domestic travel of citizens or foreigners. A sparse network of military checkpoints operates irregularly across the country, and foreigners and interurban transports are required to register with them before entering some towns. There are no restrictions on persons changing their residence or place of work. A few political activists have in the past been placed under police arrest and some must still inform the police each time they plan to leave Port au Prince.

Haitians are legally required to purchase passports and exit visas before leaving the country. The exit and reentry visas are a tax used to raise revenue, and travel documents normally are not issued or denied based on political considerations. Expatriates are free to return to Haiti and many regularly do so. The Government encourages skilled Haitian emigrants to return to Haiti. Immigration officials at Port au Prince maintain and use a list of persons to be prevented from leaving or entering the country because of criminal, security, or political reasons. On occasion, the Government confiscates the passports of political activists such as Sylvio Claude who, until he had his restored in September, was effectively barred from traveling abroad.

An increasing number of Haitians are attempting to leave Haiti because of the country's poor economy; Their primary destination is the United States. Pursuant to the 1981 U.S.-Haitian bilateral agreement on interdiction of undocumented migrants, 2,163 "boat people" were repatriated by the U.S. Coast Guard in 1985 (more than one-third of the total

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since the accord was signed). In addition to serving as an effective obstacle to illegal migration from Haiti, the Coast Guard rescues hundreds of Haitians each year from unseaworthy, distressed vessels.

Follow-up trips to the Haitian countryside by the Creole-speaking returnee officer of the U.S. Embassy continue to demonstrate that the migrants' incentive is primarily economic, and that the Government is honoring its commitment not to harass or persecute Haitians who have illegally left the country and then been returned. In the first 9 months of 1985, 582 returnees were interviewed and no one alleged persecution or intimidation by the Haitian government.

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

Haiti is ruled by President-for-Life Jean-Claude Duvalier. He is assisted by a small group of advisors, but by law and custom he exercises absolute power. The Constitution grants the President-for-Life the right to name his Cabinet and all important government officials and to designate his successor. When the National Assembly is not in session, he may rule by decree. When in session, the Assembly follows the lead of the President, as it did during June 6-9 when, with almost no debate, it unanimously approved his proposed 31 constitutional amendments and the political parties law. This legislation provided for regulating the functioning of political parties and creating a prime minister to be appointed by the President from the party winning the most Assembly seats in the next elections. The amendments also strengthened significantly the powers of the President in some areas, and slightly expanded the legislative prerogative of the Assembly. Elections for the Assembly were advanced from February 1990 to February 1987. The political parties law, Haiti's first, specified the conditions a party must fulfill to be registered and function legally. Key provisions require that parties accept the primacy of the president-for-life and submit to the Government the names and addresses of supporters whose numbers must constitute at least 0.3 percent of Haiti's population (approximately 18,000).

The Government contends that the presidency-for-life provides Haiti with invaluable stability and is therefore non-negotiable. It further argues that the registration requirements are modeled on foreign laws and are reasonable, given claims by opposition leaders that they have extensive popular followings.

There was widespread disappointment with the limited nature of the political changes. Opposition politicians immediately rejected any participation within the new framework. Critics focused on the handpicked nature of the prime minister, as well as the amendments strengthening the president's powers, the reaffirmation in the amendments and the legislation of the presidency-for-life, and the large number of affirmative declarations of party membership required by the political parties law. In the aggregate, the opposition argued, these provisions undercut any real democratization and in fact strengthen the power of the presidency. Oppositionists further dismissed the requirement for affirmative declarations of membership as unrealistic given Haiti's troubled political history. They insisted that radical changes, particularly the

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elimination of the presidency-for-life, are necessary before they can consider participating in the new system.

Faced with opposition and foreign rejection of the constitutional amendments and political parties law, the Government held a referendum to obtain popular backing for the measures on July 22 and claimed that 99.98 percent of a 90 percent turnout voted in favor of the new law and amendments. However, the ballot did not offer a negative option, the mechanics of the poll compromised the secrecy of the vote, and observers confirmed that far less than 90 percent of the electorate actually voted in the referendum. Opposition leaders had called for abstention. The refusal of the Government to engage the opposition in a dialogue on the substance and execution of the referendum, not to mention the flawed manner in which it was conducted, revealed a broad lack of appreciation of democratic principles within the Government and was judged by international observers to be a setback for the President's promised political opening.

Shortly after the referendum, several delegates of the National Assembly and many senior government officials announced the formation of a progovernment political party, the National Progressive Party. In November, Gregoire Eugene announced that he would begin the process of registering his previously inactive Social Christian Party of Haiti. Eugene is an independent lawyer who returned to Haiti in 1984 after 4 years of exile in the United States.

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

An important difference between the regimes of Francois Duvalier and Jean-Claude Duvalier is the latter's regard for international opinion. Visits by international human rights organizations to Haitian prisons have been accepted. In early 1985, representatives of the International Committee of the Red Cross and the Paris-based International Federation of Human Rights met with a total of 19 political detainees at the Casernes Dessalines military prison, and at the national penitentiary. In June, a delegation of the Lawyers' Committee for International Human Rights met with members of the government human rights commission, judges and officials from the Ministry of Justice, private sector activists, and the Secretary of State for Foreign Affairs. Another group of American human rights activists was received in August by the Foreign Minister and many others.

Two human rights organizations exist in Haiti. The first is the government-sponsored National Human Rights Commission created in 1982. This nine-member commission investigates citizens' complaints of government abuses, but it has only advisory powers and does not involve itself in "political" cases. The Haitian Human Rights League, founded in 1979, is affiliated with the International Federation of the Rights of Man. While articles by its president, local attorney and educator Gerard Gourgue, occasionally appear in the local press, the League itself is only minimally active. In late 1985, Gourgue served several times as an intermediary between the Government and opposition figures, securing in September the release of two detainees and the return of the confiscated passports of three oppositionists.

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The April 1985 release of a special Amnesty International report on Haiti caused widespread, indignant comment in Haiti, including by some anti-Duvalierists who agreed with government supporters that the report contained serious inaccuracies and failed to recognize the human rights improvements registered under Jean-Claude Duvalier.

The chapter on Haiti in the Amnesty International Report 1985, covering events during 1984, expressed continued concern about the incarceration and mistreatment of prisoners of conscience. Freedom House rated Haiti as "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Haiti's population, growing by 1.9 percent annually, is estimated at 5.7 million, with over 1 million in the Port au Prince area. Haiti is the poorest nation in the Western Hemisphere with an estimated 1983 per capita income of about \$300, although in rural areas it is considerably less.

The economy is basically unregulated, but single companies (parastatal and private) control the distribution or production of many basic commodities. A small elite and a growing middle class in Port au Prince control most of the wealth in the country. Approximately 80 percent of the rural and half of the urban population subsist in dire poverty, which has provoked massive emigration, particularly during the last decade. Foreign remittances, estimated at up to \$100 million per year, are a crucial element of survival for many extended Haitian families.

Haiti suffers from a dearth of natural resources and a topography which is 80 percent mountainous. In addition, erosion of the topsoil resulting from the destruction of forest cover on the hillsides, combined with frequent droughts and floods, have greatly lowered agricultural production and income for peasants. Coffee, essential oils, and more recently mangoes have been the primary agricultural exports. Most farming is on small plots owned by peasant families and subdivided for generations through inheritance. Consequently, agriculture is fundamentally inefficient. The entire output of goods and services grew by about 1.7 percent in 1985 while the rate of inflation exceeded 8 percent.

The most dynamic sector of the economy is the assembly industry, which has created over 60,000 jobs in the past 15 years. This has resulted from favorable government investment policies, high labor productivity, and a low minimum daily wage. The U.S. economy receives over 90 percent of the output from the assembly industry, which profits from duty free privileges for many of its products under the Caribbean Basin Initiative (CBI). Although vulnerable to international market trends, the assembly industry is expected to continue to grow. Employment generation in this sector has only marginally reduced Haiti's extremely high unemployment rate. Based on surveys, the International Monetary Fund estimates that the "effective" unemployment rate (which factors in underemployment) is 48 percent.

The future of Haiti's small, open, and impoverished economy depends upon how it exploits its export potential. Restrictive trade practices are key constraints to industrial and agricultural export expansion. Import-substitution industries are protected by import licensing requirements and

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quotas, government import monopolies, and a highly differential tariff structure. This protection system distorts the structure of domestic prices relative to that of the world market, making local production uncompetitive. It also reduces the living standards of Haitian consumers, who must purchase some products at a price 20 to 50 percent higher than they would be in an open and competitive economy.

The Government provides limited support to agricultural cooperatives designed to improve productivity and access for farmers to markets at home and abroad. The fiscal year 1986 budget reflected the government's position that the country's development priorities are education and agriculture. Food imports are essential; however, many imports are sold at prices above the free market level because of high duties. According to 1982 figures, Haitians, on average, receive only 85 percent of their daily caloric requirements and more than 60 percent of children under age 5 suffered some degree of malnutrition--nearly 10 percent of the cases were characterized as serious. An estimated 88 percent of the population (100 percent in rural areas) did not have access to potable water in 1980. The infant mortality rate stood at 106.90 in 1985, and life expectancy at birth was 54 years. The adult literacy rate was 20 percent, and the primary school enrollment ratio was 77 percent, according to World Bank statistics for 1981.

The labor code provides for a daily minimum wage adjustable when the official annual inflation index exceeds ten percent. Presently, the minimum wage is \$3.00 per day in Port au Prince and \$2.64 elsewhere. The Ministry of Social Affairs employs approximately 15 inspectors responsible for overseeing legislation mandating safe, healthy working conditions. The minimum age for even limited employment is 12. Fierce adult competition for factory jobs ensures that child labor is not a factor in this sector. Many children, especially young teenagers, work long hours in cottage industries for less than the minimum wage.

Haitian society consists of at least four broad groups. The extremely poor peasantry is numerically largest, but the urban poor, because they have a higher cost of living than the peasants, may be even more deprived than the peasants. The urban poor constitute at least 50 percent of city dwellers and perhaps 15 percent of the national population. Both of these groups are overwhelmingly black. Above them on the economic scale is a small but steadily expanding middle class, and at the top is an elite, about 1 percent of Haiti's population. The elite comprise businessmen (largely mulatto) and top government officials (mostly black). Conflicts and distrust among these Haitian social groups have produced a weak tradition of public service. Mass education, for example, has at times been resisted actively by members of the elite as socially destabilizing. The same attitude has retarded agricultural and infrastructural development, health care, and openness to the outside world. More recently, however, the level of government cooperation with international donors and financial institutions has improved.

The role of women in Haitian society is limited by tradition. Since 1982, there has been no legal discrimination between the two sexes; women enjoy full rights to education, property, and such social prerogatives as divorce. Particularly among the peasantry, however, women are still confined to the

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traditional occupations of marketing, sewing, and housekeeping. Middle-class women often work out of economic necessity. They comprise a large part of the assembly workforce and dominate secretarial, teaching, and nursing positions. Few, however, rise to prominent positions in the private sector, even in the cultural and educational areas. Greater opportunities are generally available to women in the government bureaucracy. There have been a few women Secretaries of State in the last several years (there are two at present), and women are well-represented at the mid- and upper-level managerial ranks. Women may serve in the armed forces only as nurses.

U.S. OVERSEAS - LOANS AND GRANTS - OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S. FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: HAITI

	1983	1984	1985	
I. ECON. ASSIST.-TOTAL...	46.2	46.5	54.6	
LOANS.....	11.0	11.0	15.0	
GRANTS.....	35.2	35.5	39.6	
A. AID	27.3	25.7	30.7	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	27.3	25.7	30.7	
(SEC. SUPP. ASSIST.)...	10.0	5.1	5.0	
B. FOOD FOR PEACE.....	18.5	19.8	23.2	
LOANS.....	11.0	11.0	15.0	
GRANTS.....	7.5	8.8	8.2	
TITLE I-TOTAL.....	11.0	11.0	15.0	
REPAY. IN \$-LOANS....	11.0	11.0	15.0	
PAY. IN FOR. CURR....	0.0	0.0	0.0	
TITLE II-TOTAL.....	7.5	8.8	8.2	
E. RELIEF, EC. DEV & WFP.	0.4	0.1	0.6	
VOL. RELIEF AGENCY....	7.1	8.7	7.6	
C. OTHER ECON. ASSIST...	0.4	1.0	0.7	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.4	1.0	0.7	
PEACE CORPS.....	0.2	0.4	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.2	0.6	0.7	
II. MIL. ASSIST.-TOTAL...	0.7	1.0	0.7	
LOANS.....	0.3	0.0	0.0	
GRANTS.....	0.4	1.0	0.7	
A. MAP GRANTS.....	0.0	0.3	0.3	
B. CREDIT FINANCING....	0.3	0.0	0.0	
C. INTL MIL. ED. TRNG...	0.4	0.7	0.4	
D. TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E. OTHER GRANTS.....	0.0	0.0	0.0	
III. TOTAL ECON. & MIL...	46.9	47.5	55.3	
LOANS.....	11.3	11.0	15.0	
GRANTS.....	35.6	36.5	40.3	
OTHER US LOANS.....	1.3	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	1.3	0.0	0.0	
ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	1946-85
TOTAL.....	89.5	38.1	44.0	534.6
IBRD	0.0	0.0	0.0	2.6
IFC	0.0	0.0	0.0	3.2
IOA	56.0	19.1	32.1	256.4
IDB	32.6	17.4	11.9	220.4
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.9	1.6	0.0	38.3
OTHER-UN	0.0	0.0	0.0	13.7
EEC	0.0	0.0	0.0	0.0

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Honduras' return in 1982 to democratic, constitutional rule was consolidated in November 1985 by national elections marked by over 80 percent voter participation. A new president, three vice presidents, 134 members of the unicameral National Congress, and several hundred municipal officials were elected for four-year terms.

National police functions are performed by the Public Security Force (FUSEP). FUSEP is fundamentally a civilian police force with limited military capabilities (although commanded by an Army officer) and traditionally has enjoyed a non-adversarial relationship with the Honduran people. Major FUSEP elements include the COBRA incident response unit, the Directorate of National Investigations (responsible for criminal investigations and some intelligence activities), the Traffic Police, and training academies for police officers and enlisted personnel. The Armed Forces are the traditional guarantor of Honduran internal and external security. Closely linked to rural Honduras and to the economic middle-class, the Armed Forces are strongly supportive of the democratic process and of broadly-based social and economic development.

Honduras is among the economically least-developed nations in Latin America. Although 1984 and 1985 saw inflation largely under control and positive economic growth, economic problems remain severe. Combined unemployment and underemployment exceed 50 percent of the workforce. Honduras has a mixed economic system in which private sector economic production receives significant government and international support. A number of government-owned autonomous agencies provide both goods and services; the public sector is the largest employer.

During 1985, President Suazo and the current military leadership have demonstrated increasing sensitivity to the importance of strengthened human rights. This attitude is expected to continue under the newly-elected government. Honduras enjoys a vocal political opposition, a free press, and a generally good human rights record. A national program is being developed to improve the administration of justice and otherwise to strengthen the judiciary system. However, the mistreatment of detainees and the incommunicado detention of accused persons for longer than the 24 hours allowed by law continue to occur. Although the Constitution guarantees judicial due process, the administration of justice is uneven, slow, and often subject to improper influences. Honduras continues to feel the effects of civil strife in neighboring countries, including external efforts to foster subversion in Honduras. In August, several casualties resulted from efforts by government forces to detain Salvadoran guerrillas operating in refugee camps near Colomocagua. The country hosts over 85,000 refugees, including at least 65,000 from Nicaragua and more than 20,000 from El Salvador and Guatemala.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

Unlike previous years, there were no public accusations of politically motivated deaths in Honduras in 1985. The Honduran Armed Forces published a preliminary study on

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reported disappearances through early 1984 which indicated that some of those missing may have died at the hands of expatriate Nicaraguans in Honduras. The allegation was not repeated in the inconclusive final report published on October 17, 1985.

b. Disappearance

No disappearances were documented in 1985, although human rights organizations continue to assert that 118 disappearances between 1974 and 1984 remain unexplained. An Armed Forces' investigation of alleged disappearances reportedly included interviews with human rights activists and with those members of the Armed Forces mentioned by name as having been involved in disappearance cases. The final report concludes that no evidence exists to determine that any military officials were involved in any disappearances, that no reportedly "disappeared" persons are held in military or public security facilities, and that the information provided to the investigation by human rights activists was vague and at times contradictory. The inconclusive preliminary and final reports were heavily criticized by human rights spokesmen. The report recommends that any further accusations of involvement by members of the Armed Forces be taken to the proper judicial court. On December 12, a criminal court case against six officers accused of involvement in disappearances was dismissed.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is prohibited under the law; however, physical and mental mistreatment of prisoners exists. Beatings, humiliation, and at times more severe treatment are known abuses. These are identified by the Honduran Human Rights Committee (CODEH) as the most severe current human rights problem. Prisons are crowded and medical attention for prisoners is poor. Prisoners are allowed visitors during regular hours, and many depend on these visits for food and supplies. Due to the inefficiency of the court system, as many as one-third of those in prison at any given time have not been tried and convicted of any crime.

Confession is the most common basis for holding a prisoner. When a judge finds that an accused person has been beaten or that a confession otherwise has been obtained illegally, the case is dismissed. This procedure is said by public security authorities to stimulate false accusations of torture. However, several allegations of mistreatment by the police were officially investigated in 1985, and at least three police officers, including one DNI detective, were imprisoned for their actions.

In August, an American priest, Father John Donald, S.J., was detained for 48 hours by Honduran authorities for investigation of charges of involvement in subversive activities. Father Donald complained of having been bound and blindfolded when transported and deprived of food and sleep while held by Honduran military authorities. (The charges against Father Donald were determined by the investigation to be without substance, and he was allowed to continue to work in Honduras.)

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d. Arbitrary Arrest, Detention, or Exile

The judicial system continues to be cumbersome and often inequitable. Honduran law requires that a person be presented to a judge within 24 hours of arrest and that the judge must decide within 6 days whether there is sufficient evidence to hold the accused for trial. In practice, these rules are not always followed. Persons accused of subversive or terrorist activities frequently have been held incommunicado for several days or, at times, even weeks.

Government security forces continue to maintain that suspected subversives at times must be held incommunicado for longer than the 24 hour period allowed by the law in order to protect national security. Suspected subversives captured in Siguatepeque in February initially were unaccounted for but later were interviewed by the press at the central penitentiary following an "appeal for personal exhibition" filed by CODEH. Former labor leader Anselmo Ronero Ulloa was released on August 23 from incommunicado detention pursuant to a request of habeas corpus and the intervention of a presidential advisor.

An "appeal for personal exhibition" can be filed with the Supreme Court to locate an individual believed to be detained. Such appeals have received faster attention following a restructuring of the Supreme Court in June. The courts and police officials are increasingly responsive to habeas corpus and personal exhibition demands. On at least three occasions in 1985 the authorities allowed general searches of prisons by court-appointed authorities for persons alleged to have been improperly detained. No evidence was found to substantiate the allegations of improper detention. Much of the improvement in this regard has resulted from efforts by the Armed Forces Commander to resolve the issue of disappearances and to improve the adherence to the law by the security services.

Forced or compulsory labor is not practiced.

e. Denial of Fair Public Trial

Honduran law provides for fair trial, although social and economic status are factors in the dispensation of justice. There are no secret tribunals nor political prisoners. Detainees are allowed to contact lawyers, and bail practice is liberal. Public defenders are, in theory, available but the system is not effective in practice. A new penal code went into effect in March 1985, and attempts were made by the Honduran Bar Association to educate lawyers and judges throughout the country regarding changes. Nevertheless, judicial guidance in implementing the new code has been minimal and few substantive changes have resulted thus far. A revised code of procedures, which also took legal effect in March 1985, has yet to be published.

The Supreme Court is appointed by the Congress for four-year terms; it administers the court system and appoints all other judges, including justices of the peace. The Constitution provides for judicial independence; however, the courts are subject to political influence. A June 1985 restructuring of the Supreme Court following an attempt by the Congress to impeach several justices resulted in a less politicized court which has proven more responsive to demands for habeas corpus

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and has shown a willingness to consider charges of judicial misconduct. A positive development is the increased role of the Honduran Bar Association in the administration of justice. The Bar Association sponsored forums to explain new laws and also acted against at least one judge accused of improper conduct.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government normally does not interfere with the private lives of its citizens. Citizens are free to affiliate, move, and live as they choose. A "spoils system" is characteristic of public employment, and, as the national election approached, some public employees were dismissed due to their political affiliations. Some officials and private individuals claim that their telephones have been monitored or their movements observed.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Freedom of speech is guaranteed by the Constitution and all viewpoints are tolerated and printed in the Honduran press. Local radio stations (there are over 100) broadcast numerous programs which allow the public freely to express opinions. The television stations are privately owned. Freedom of the press is widely respected; both the newspapers and radio stations openly criticize the Government, the courts, and the Armed Forces without fear of reprisal. Academic freedom is respected and student groups play a major role in the formation of university policy.

b. Freedom of Peaceful Assembly and Association

The freedom to organize and demonstrate is recognized and exercised by labor unions, political parties, professional organizations, students, and human rights groups. Trade unions enjoy a thirty-five year history and are independent, strong, and varied in political orientation. Most industries have unionized labor forces. Workers have the right to organize, to bargain collectively, and to strike.

Honduras' trade unions maintain close ties with international trade union organizations. Its largest confederation, the Confederation of Honduran Workers (CTH), is an affiliate of the International Confederation of Free Trade Unions (ICFTU) and the ICFTU's regional arm, the Inter-American Regional Workers Organization (ORIT). The second largest confederation, the General Workers Central (CGT), is an affiliate of the World Confederation of Labor and its regional arm, the Latin American Central of Workers (CLAT). The Unitarian Federation of Honduran Workers (FUTH) is an affiliate of the World Federation of Trade Unions (WFTU). The three principal labor organizations claim to represent approximately twenty percent of Honduran workers, including a substantial number of peasants and rural laborers.

Honduran labor and peasant leaders played a major role in the resolution of a March-May constitutional confrontation between the executive and legislative branches. Labor and peasant organizations actively participated in the electoral process, meeting on several occasions to affirm their support for the

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constitutional process. Labor leaders ousted by competing internal factions have claimed that government or political party interference led to their defeat. The International Labor Organization's Committee on Freedom of Association noted in mid-1985 that the Government of Honduras had not replied to charges made in 1984 which alleged the wounding and disappearance of trade union members, unwarranted dismissals, and interference of the Government in trade union affairs. Union leaders regularly travel to international meetings and some were elected to the national Congress.

c. Freedom of Religion

Although predominantly Roman Catholic, Honduras has no state religion. All religions are tolerated. Missionaries operate in many parts of the country. Members of the clergy occasionally have been detained but only on the basis of alleged secular offenses.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Hondurans freely travel within and outside of Honduras. There are no permanent travel restrictions for Hondurans or foreigners in the country, although national security concerns have led to increased police checks for proper personal documentation. Those who do not have proper identification are held until documentation is produced but are not charged with an infraction. Exit visas are required for Hondurans wishing to leave the country and constitute a form of control over international travel. Exit visas almost always are granted without dispute, although the wife of former Armed Forces Commander Gustavo Alvarez was refused permission to leave for several days.

Attempts are made to identify and register the thousands of undocumented foreigners--principally Salvadorans and Nicaraguans--residing in Honduras. In addition, Honduras hosts some 85,000 refugees (approximately 40,000 under UN sponsorship) who are allowed to remain in Honduras without threat of involuntary repatriation. Refugee experts generally consider the protection of the refugees to be good. On August 29, government forces entered the refugee camps near Colomoncagua in an effort to detain Salvadoran guerrillas known to be operating there; the ensuing confrontation with the camps' residents resulted in two deaths and over a dozen casualties. The UNHCR recognizes the right of Honduran authorities to exercise their police function in the camp but complained about the way in which the action was taken.

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

On November 24, 1985, following an active and sometimes stormy political campaign, nearly 1.6 million Hondurans went to the polls to choose their next Government in elections marked by popular enthusiasm for the exercise of democracy. Nine candidates representing four political parties were on the ballot, each with his own slate of vice presidents, congressional deputies, and municipal officials. Voting is mandatory and by secret ballot. The Constitution guarantees to all Honduran-born citizens of legal age the right to hold office and, despite controversy about some, the National Electoral Tribunal officially accepted all candidates.

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Through the Armed Forces Commander, General Walter Lopez, the Armed Forces have endorsed the election process and declared their intention to support the Constitution. A two-month-long political crisis arising from disputes over the selection by the political parties of presidential candidates was resolved in May by a compromise agreement worked out among the democratic labor unions and peasant organizations, the Armed Forces, and political leaders, with Catholic Church mediation. An attempt in late October by some members of the National Congress to convert the Congress into a Constituent Assembly and to postpone the elections was halted by a popular outpouring of support for the constitutional process and by the public refusal of the Armed Forces to support the action.

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

The Government continues to cooperate with local and international human rights organizations. Foreign Minister Paz Barnica has spoken frequently with human rights groups and declared publicly his interest in investigating allegations of human rights abuses. The Armed Forces investigation of alleged disappearances was completed in March and published in October, although adding little to already existing knowledge. Local human rights leaders and visiting members of human rights organizations are widely quoted in the press.

In addition to the two major private human rights organizations (CODEH and the Families of Disappeared Persons), the Honduran Bar Association has an increasingly active committee on human rights. A congressional committee on constitutional guarantees exists and exhibited some interest in examining extrajudicial procedures.

Amnesty International Report 1985, which covers events in 1984, expressed concern about the arrest without warrant of political detainees, their detention without trial in both unofficial and recognized detention centers, and allegations of torture, "disappearances" and extrajudicial executions. Freedom House rates Honduras "free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The population of Honduras is 4,499,000 and is growing at an estimated annual rate of 3.3 percent. Despite the presence of a sizeable middle-class, the 1985 per capita gross national product was only \$815. Honduras is among the economically least-developed nations in Latin America. Well over half of the population lives in rural areas. Almost 55.0 percent of the rural population and 14.0 percent of the urban population were considered in 1978 (most recent data) to live below the absolute poverty level. The Honduran Ministry of Education claims that the literacy rate has risen in recent years from less than 60 percent to near 70 percent. The Ministry's claim of 86 percent primary school enrollment is considered by many to be inflated; a more accurate figure is about 74 percent with many children of varying ages and abilities often attending classes given by one teacher in one room. The national university is available to those who satisfy basic academic qualifications and the cost is minimal. Technical training is severely lacking at all levels.

Health care is poor for the majority of Hondurans. Although there are sufficient doctors, many areas have no health care

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facilities and, in many cases, medical centers built in the last several years are unoccupied. The life expectancy rate at birth is 60.73 years; the infant mortality rate is 73.3 per 1,000 live births. Forty-four percent of the people have access to safe water; the 1977 caloric supply relative to nutritional requirements was approximately 95 percent.

Discrimination against women is banned by law. Cultural practices reduce the number of women occupying key positions in the Government and business. However, education is equally available and women who manage to obtain positions are accepted. Legal discrimination against women in domestic cases exists; attempts to correct this are underway. Ethnic minorities, concentrated on the north coast, enjoy legal and--in most cases--social equality.

The Constitution and the labor code require that all labor be fairly paid and limit the hiring of children under 16. Minimum wages, working hours, and occupational health and safety are regulated by law. The daily minimum wage varies among productive sectors, ranging from 4.60 to 7.10 lempiras (2 lempira equal \$1.00). The standard work period is 8 hours per day and 44 hours per week. The labor code provides for a paid vacation of ten workdays after one year and twenty workdays after four years. Despite violations of the above laws and regulations by individual employers, workers' rights are generally respected. There is no evidence that either the government or employer associations systematically seek to deny workers' rights.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: HONOURAS	1983	1984	1985	
I.ECON. ASSIST.-TOTAL...	106.0	95.0	224.0	
LOANS.....	45.0	38.3	34.8	
GRANTS.....	61.0	56.7	189.2	
A.AID	87.3	71.0	204.6	
LOANS.....	35.0	23.3	19.8	
GRANTS.....	52.3	47.7	184.8	
(SEC.SUPP.ASSIST.)...	56.0	40.0	150.2	
B.FOOD FOR PEACE.....	15.5	20.2	19.4	
LOANS.....	10.0	15.0	15.0	
GRANTS.....	5.5	5.2	4.4	
TITLE I-TOTAL.....	10.0	15.0	15.0	
REPAY. IN \$-LOANS.....	10.0	15.0	15.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	5.5	5.2	4.4	
E.RELIEF.EC.DEV & WFP.	1.8	0.9	0.8	
VOL.RELIEF AGENCY.....	3.7	4.3	3.6	
C.OTHER ECON. ASSIST...	3.2	3.8	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	3.2	3.8	0.0	
PEACE CORPS.....	3.2	3.8	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II.MIL. ASSIST.-TOTAL...	48.3	77.4	67.4	
LOANS.....	9.0	0.0	0.0	
GRANTS.....	39.3	77.4	67.4	
A.MAP GRANTS.....	38.5	76.5	66.3	
B.CREDIT FINANCING....	9.0	0.0	0.0	
C.INTL MIL.ED.TRNG....	0.8	0.9	1.1	
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E.OTHER GRANTS.....	0.0	0.0	0.0	
III.TOTAL ECON. & MIL...	154.3	172.4	291.4	
LOANS.....	54.0	38.3	34.8	
GRANTS.....	100.3	134.1	256.6	
OTHER US LOANS.....	0.0	0.2	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	0.2	0.0	
ASSISTANCE FROM INTERNATIONAL AGENCIES	1983	1984	1985	1946-85
TOTAL.....	89.6	154.3	15.3	1286.7
IBRD	45.0	19.6	6.9	510.2
IFC	0.0	0.0	0.0	10.4
IDA	0.0	0.0	0.0	82.6
IDB	42.2	134.1	8.4	648.8
A0B	0.0	0.0	0.0	0.0
AF0B	0.0	0.0	0.0	0.0
UNDP	2.4	0.0	0.0	28.4
OTHER-UN	0.0	0.6	0.0	6.3
EEC	0.0	0.0	0.0	0.0

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Jamaica is a constitutional parliamentary democracy with a mixed economy emphasizing the private sector. It is a member of the British Commonwealth. A Governor General, appointed by the Crown on the advice of the Prime Minister, represents the Queen, while the elected Prime Minister, the leader of the majority party in Parliament, is the country's chief executive. The Parliament is comprised of the elected House of Representatives (currently 60 members) and the appointed Senate of 21. The powers and procedures of Parliament correspond to those of the Westminster model.

Two major political parties have alternated in power since the first elections were held in 1944. The Jamaica Labour Party's leader, Edward Seaga, has been Prime Minister since November 1980. The Constitution requires that general elections be held at least once every 5 years; the last general election was held on December 15, 1983. However, because an outdated voters' list was being used, the PNP boycotted the election and the JLP gained all 60 seats in the House of Representatives. The next parliamentary elections must be held before March 15, 1989.

The opposition's boycott created an anomalous and unprecedented situation for democratic Jamaica. The Jamaica Labour Party has attempted to compensate for the absence of an elected parliamentary opposition by appointment of independent senators to the upper chamber and enhancing opportunities for citizens to appear and address the House.

The small, apolitical security apparatus comes under the Ministry of National Security and consists of the Jamaica Constabulary Force, the Jamaica Special Constabulary Force, and the Jamaica Defense Force. The latter consists of a regular and a reserve force and includes an Air Wing and a Coast Guard. Since 1974, the Jamaica Defense Force has been authorized to conduct joint operations with the police in order to maintain the peace under the Suppression of Crime Act.

During 1985 human rights were generally respected in Jamaica. Political demonstrations and protests occurred on several occasions, including a 3-day island-wide general strike in June. The Government maintained order, and violence and arrests associated with the protests were minimal. Violent crime continued to be a major social problem, especially in the Kingston area. Instances of excessive violence by the police were criticized in newspaper editorials, by human rights advocates, and by the Police Commissioner himself. Problems associated with a poorly trained, overburdened, and underpaid police force continue to generate the country's most persistent human rights concerns.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

Officially sanctioned murder of political opponents does not occur in Jamaica. However, Jamaica suffers from a high level of violent crime, some of which has political overtones. Both

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major parties, as well as the Workers Party of Jamaica (WPJ) which is communist, have supporters who occasionally resort to violence. The legal system has not been effective in dealing with these cases because of a code of silence enforced at the local level and the reluctance of the police to get involved in political disputes.

b. Disappearance

There is no evidence of abduction, hostage-taking, or disappearances perpetrated by security forces. In most incidents where people disappear and are later discovered dead, the victims are involved in criminal activities or were suspected of being police informers.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Government does not sanction or condone the use of torture. However, criminal suspects frequently allege that they were beaten or mistreated by police while being held in police lock-ups. Some individuals have brought suit successfully against the police for these actions and the Government has had to pay damages.

During 1985 there was a public outcry concerning the level of violence associated with the police. Impromptu demonstrations protesting indiscriminate police killings have taken place in various communities. There have been frequent editorials and speeches, including several by the new National Police Commissioner, on the need to improve the force through better training, better supervision, and elimination of unsuitable persons, but the process of reform is slow.

The lynching of criminal suspects by local inhabitants, especially in rural Jamaica, occurs periodically. Victims, typically, are those caught stealing crops or cattle or guilty of rape or housebreaking. Although these incidents are publicized, prosecutions of vigilantes are rare.

Prison conditions in Jamaica are acknowledged by the Government to be substandard. The Parliamentary Ombudsman reports conditions have further deteriorated since 1984, when he released a study on the deplorable state of facilities and the degrading conditions in the nation's jails. Overcrowding, lack of functioning plumbing facilities, and limited medical care are particularly bad in the island's two maximum security prisons. With government resources extremely limited, one citizens group began a fundraising campaign to aid the women's prison.

d. Arbitrary Arrest, Detention, or Exile

Under the Suppression of Crime Act, which has been extended for 6-month intervals since its adoption in 1974, security forces do not need a warrant to detain persons "reasonably" suspected of having committed a crime. Although the Act is conceived of as an extraordinary measure, security forces rely on it extensively. Particularly in ghetto areas, detention of suspects without a warrant is regularly practiced. Nearly all detainees are eventually released without being charged. Some are held for as long as 2 weeks without being brought before a judicial officer as required by law. Habeas corpus is available, but many detainees are not aware of their rights.

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The Jamaica Council for Human Rights reports that 90 percent of its routine daily caseload involves assisting people attempting to locate and gain the release of detained family members. The Council reports that in 1985, under the administration of a new Police Commissioner, supervisory officers have been more cooperative than in the past in providing information about detained persons.

For those suspects who are charged, a functioning system of bail is available. In minor cases, bail is set by the local police supervisor, while a judicial officer is involved in more serious matters. For those unable to make bail, detention prior to a judicial hearing frequently exceeds the limits set by law. Outsiders are permitted access to the accused. There are no political prisoners in Jamaica.

Although the Constitution of Jamaica does not specifically address the matter of forced or compulsory labor, Jamaica is a signatory to the ILO convention prohibiting compulsory labor. There have been no allegations of this practice in Jamaica.

e. Denial of Fair Public Trial

Jamaica has an independent judiciary. Persons who have been charged with a criminal offense have access to legal representation, and legal counsel is provided to indigents in criminal cases. The Court of Appeal and the Parliament may refer cases to the Judicial Committee of the Privy Council in the United Kingdom. However, the legal system is overburdened, and many cases take years to come to trial.

In addition to the regular courts, there is also the Gun Court, which was established in 1974 as an extraordinary means of dealing with the serious problem of violent crime. It considers cases involving the illegal use or the possession of firearms or ammunition. There are restrictions on public attendance and less stringent rules of evidence apply in the Gun Court. Hearings are conducted before a judge. In capital cases, hearings before the Gun Court serve as preliminary hearings to jury trials under the jurisdiction of the Supreme Court. The 1983 Gun Court Amendment Act eliminated several of the special exceptions to normal judicial rules and procedures which had applied to the Gun Court. A committee of senior judges continues to review and revise the sentences of persons given life terms prior to the adoption of the Gun Court Amendment Act.

Intimidation of witnesses in criminal cases is a chronic problem hampering criminal prosecutions in Jamaica. Jurors, too, have reported receiving threats from associates of criminal defendants. Some convictions have occurred for such attempts to subvert the judicial system, and the police have announced they will provide assistance to any witness who requests protection.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits arbitrary intrusion by the State into the private life of the individual. Individual rights are protected, and there is no arbitrary monitoring of correspondence or telephones, or restrictions on the receipt of foreign publications.

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Under the Suppression of Crime Act, search warrants are not required to enter homes or business when a crime is "reasonably" suspected. This authority is sometimes abused by police, especially in ghetto neighborhoods. Regulations approved by Parliament in 1980 require that every effort be made by the security forces to have the owner or occupant of the premises present during the search.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Freedom of speech and press are guaranteed in the Constitution and are observed in practice within the broad limits of the libel laws and the State Secrets Act. There is no censorship or interference in academic studies. Jamaica's principal, privately owned daily newspaper, The Daily Gleaner, has been critical of Jamaican governments through the years. Several small newspapers and magazines are also published, including two by the opposition parties, both of which are highly critical of government policies. Foreign publications are generally available.

The Government owns and operates one radio network and the island's only television network. The other radio network is partially owned by the Government. A new media policy announced by the Government will retain public ownership of television and partial ownership of radio, although some television time will be leased out. The officially owned television and radio network has often been accused of bias in favor of the Government by whichever party is in opposition.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly and association are guaranteed in the Constitution. A large variety of professional groups and private associations function freely. Public demonstrations and rallies are staged by all political parties, although the law requires application for a police permit, which is usually granted. In January there were widespread but generally nonviolent public protests for 3 days over a 21 percent rise in the price of gasoline. Several deaths occurred during the protests. However, there were few arrests and the security forces were publicly praised for not overreacting to a difficult situation. In May, the People's National Party obtained a permit to demonstrate at the formal opening of Parliament. When party leaders announced at the last minute that the protest would be held instead at one of Kingston's busiest intersections, the police denied permission. When PNP supporters rallied at the new location without a permit, police dispersed the crowd with tear gas. There were no arrests. In November, police denied without explanation a request for a march permit for an antiapartheid demonstration in the New Kingston business district.

Freedom of association includes the right to join a trade union. The Labour Relations and Industrial Disputes Act of 1975 sets forth workers' rights regarding union membership and collective bargaining. No worker is compelled to join a union as a prerequisite for getting a job, nor, having found employment, is he compelled to join the union that represents that bargaining unit. Unions are free to elect their own representatives, draw up their constitutions, and determine

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their action programs. Jamaican unions are affiliated with various international and regional labor organizations.

Jamaica has several strong trade unions which are among the most active organizations in the country. The two major unions, the Bustamante Industrial Trade Union (BITU) and the National Workers Union (NWU), are affiliated respectively with the ruling Jamaica Labour Party and the opposition People's National Party. These two unions can act independently, however, and on occasion take issue with party policies. The number of registered trade unions is approximately 78; in practice, only about 20 are active. Until recently, approximately 25-30 percent of the work force was organized, although the Government's public sector reduction program has lowered this figure.

There is no right to strike in either common or statutory law. What exists in practice is a freedom to strike, which Jamaican workers have consistently exercised over the years. There have been differing legal rulings on the "right to strike." Workers may exercise their "freedom" to strike and be immune from criminal liability. There is, however, no parallel guarantee under the law that they will retain their jobs.

In June 1985, trade unions called on workers to strike in protest against the Government's public sector staff reductions and wage offers, spiraling costs for basic commodities, and insufficient communication by government officials with workers' representatives. After the strike a number of firefighters and public service company electric workers were dismissed. The firemen were later recalled, but the case of the electric workers is now before the Industrial Disputes Tribunal. The dismissals have sparked charges of victimization (politically motivated dismissal) by the unions.

c. Freedom of Religion

Freedom of religion is guaranteed in the Constitution and is well established in Jamaica. A great variety of religious groups and cults operate freely. More than 80 percent of the population professes one Christian denomination or another. Evangelical Christian movements have gained substantial followings in recent years, and foreign evangelists visit Jamaica regularly to preach.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution guarantees Jamaican citizens freedom of movement throughout the country, the right to reside in any part of it, the right to enter, and immunity from expulsion. There are no national restrictions on foreign travel or emigration. Citizenship is not revoked for political reasons.

Jamaica's central location in the Caribbean makes it a potential hub for illegal migrants and would-be refugees or asylum seekers. Consequently, Jamaica has avoided any declarative policy on refugees. As a party to the 1951 U.N. Convention Relating to the Status of Refugees, it honors its treaty obligations, dealing with refugees on a case-by-case basis. Jamaica's reasons for not accepting migrants are largely economic ones, and include high domestic unemployment.

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In recent years, individuals from Cuba, Haiti, and Nicaragua have arrived in Jamaica claiming to be refugees. Haitians have been treated as economic migrants and have been returned to Haiti. Six Cubans are currently in Jamaica under the protection of the U.N. High Commissioner for Refugees pending resettlement in a third country. All of the Nicaraguans have been permanently resettled in Jamaica and elsewhere.

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

In Jamaica, the Prime Minister, who is the leader of the majority party, and a cabinet made up of ministers appointed by him, constitute the executive power. The Executive usually takes the initiative in legislative matters and is responsible to the House of Representatives.

The Constitution requires that elections be held not later than 5 years from the first sitting of Parliament; within that period, the Prime Minister can call an election whenever he sees fit.

Two main parties, the Jamaica Labour Party (JLP) and People's National Party (PNP), have regularly alternated in power since the first elections under universal adult suffrage were held in 1944. The JLP came to power in November 1980 when it won a majority of seats in the House of Representatives. Other opposition groups, including the Communists, operate freely, and no group is denied participation in the political process.

In August 1983, voter registration was commenced to bring voting lists up to date and help protect the electoral process from fraud. In December 1983, prior to completion of this process, the Prime Minister called a "snap election." The PNP boycotted the vote, alleging that the JLP previously had agreed not to hold an election until new voter lists and identification cards were ready. As a result of the boycott and the failure of any of the seven third-party candidates to be elected to the House, there is currently no official Leader of the Opposition. As the elected House, composed of 60 seats, is now under exclusive control of the members of the JLP, Jamaica has a "one-party house" but is not a "one-party state." Although the 1983 election was constitutional and held in conformity with election law, the PNP has continued to question its legitimacy. The Government, however, continues to resist calls for new elections prior to the expiration of its current term in 1989.

Parliament has also acted to postpone local elections, originally due in June 1984. The delay has been due to disagreement over the number of possible Council seats. On October 16 the Electoral Advisory Commission announced that both major parties had accepted a reduction of Council seats from 278 to 189. Acceptance of the plan paved the way for the actual redrawing of local constituency boundaries and, ultimately, for local government elections. Current legislation extends the deadline for local elections until the end of July 1986.

Despite the unprecedented situation caused by a one-party Parliament, the democratic tradition remains strong in Jamaica. All parties operate freely and have an opportunity to state their positions. Eight independent senators,

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appointed by the Prime Minister in the absence of a parliamentary opposition, serve as a check on government actions.

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

There has been little interest among international or nongovernmental groups in investigating human rights in Jamaica. Freedom House rated Jamaica as "free." Amnesty International expressed concern in its 1985 report over the continued use of the death penalty.

There are no restrictions on human rights organizations in Jamaica. The Jamaica Council for Human Rights is the only independent human rights organization. The Council is critical of police abuses and has called for reform of the force. Its small paid staff spends the majority of its time on cases involving police detention of suspects and on complaints from prisoners. Its pool of volunteer attorneys frequently represents those appealing death sentences. The Council is also involved in international human rights issues, particularly those dealing with southern Africa.

The Government is also a strong advocate of human rights in international forums, such as Caricom and the UN. Jamaican leaders, including the present Prime Minister, have spoken before regional and other international bodies in opposition to apartheid.

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Jamaica's population of 2,266,000 grew at an annual rate of 1 percent in 1985, and the per capita gross national product was \$1,300 (1983 figure).

While revenues from bauxite/alumina exports, the traditional foreign exchange earner, increased during 1984, earnings fell sharply in 1985 due to the closure of one mining/refining facility and the temporary closure of another because of weak markets. Receipts from tourism also fell. Real gross domestic product fell by 8.4 percent in 1984; inflation went up by 31.3 percent, a significant increase over the 16.7 percent figure recorded in 1983. The unemployment rate fell marginally from 25.6 percent in April 1984 to 25.4 percent in October 1984.

The shortage of foreign exchange and budget cuts have left the Government with fewer resources to deal with pressing economic and social problems. It has therefore given priority to maintaining the flow of raw materials and capital goods needed to support Jamaica's private sector-oriented recovery program. The import licensing regime has been abolished for all but a few items and replaced with higher customs duties, prices of most items under price controls have been deregulated, and a 50 percent depreciation of the local currency took place in 1984. The Government has tried to limit the impact of these measures on the basic nutrition of the poor through the establishment of a food security plan which included food stamps and school lunch programs.

There are wide disparities in income levels. In October, 1984, the unemployment rate for males was 16 percent, while

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that for females was more than 36 percent. Rates for young men and women were considerably higher. The Government sought to reduce some of these disparities through a major agriculture program designed to increase production and employment in rural areas, job training programs for youth, and programs to assist individuals in starting their own businesses.

The adult literacy rate in Jamaica is officially 96.1 percent, but the Minister of Education stated in 1985 that the functional illiteracy rate was nearly 50 percent. There is nearly universal primary school enrollment, but attendance has suffered recently as more parents cannot afford to send their children to school. Jamaica's educational system is free, but families must provide most school books and uniforms for the students.

Under the Government's austerity program, access to education, housing, health care, and other services for the low income groups has been reduced due to cuts in budget expenditures. In the health care area, a proposal to introduce "user fees" at primary health clinics was dropped following public opposition.

A minimum wage law was enacted in 1975. Government and most private sector employees work a 5-day/40-hour week. While there is no statutory provision for overtime payments, unions seek overtime and holiday pay benefits in their collective bargaining agreements. Statutory provision for leave with pay covers vacation, public holidays, sick leave, and maternity leave.

A juvenile act provides that no child under age 12 shall be employed except by parents or guardians. Such employment can only be in domestic, agricultural, or horticultural work. Children under age 12 cannot be employed at night or at any industrial site. In actuality, children under age 12 are often seen peddling goods and services on the streets.

Under the Factories Act, all plants must be registered and approved by the Ministry of Labour (MOL) before they can begin operations. The MOL's industrial safety division is responsible for, at minimum, yearly inspections of all facilities. Because of budget constraints, these site inspections are often not performed. The MOL has no authority to oversee private sector work sites and other places of employment which do not meet the statutory definition of a factory. Other Acts of Parliament establish minimum standards for working conditions. It is left to management, in consultation with workers or their representatives, to negotiate improvements in these standards. Industrial health and safety precautions and education are seriously lacking in Jamaica.

Jamaican women are accorded full equality under the Constitution, and the 1975 Employment Act guarantees them equal pay for equal work. The legal status of women is reflected in the number of influential positions they hold in the civil service and the Government, including Minister of Education, Director of the Jamaica Information Service, and President of the Senate. Nevertheless, because of cultural and social values, women often suffer economic discrimination. This discrimination frequently evidences itself in hiring practices. Access to higher paying jobs and

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positions outside traditional "female" areas is limited. The higher paying senior-level positions in business and commercial areas are still predominantly held by men. The 1975 Act has helped to narrow the gap between men's and women's salaries, but disparities remain.

The Government has a number of programs to help women with the problems they face: primary health care clinics for mothers and their children; education programs in family planning, population, and family life; a special food stamp program for pregnant and lactating women and women whose income is below a specified minimum amount; agricultural and technical training projects and centers to provide continuing education for pregnant women. The Government has created a national advisory committee for women's affairs. Family law reforms based on a report from the Family Law Committee set up in 1975 have not yet been acted upon by Parliament.

Jamaica participated actively in the 1985 end-of-decade Conference on Women held in Nairobi. Not only was there an official delegation of 10 members, but Jamaican women also took part in the Nongovernmental Organizations meeting held in conjunction with the conference. The current President of the Inter-American Commission for Women, Princess Lawes, is a Member of Parliament.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
 (U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: JAMAICA

	1983	1984	1985	

I.ECON. ASSIST.-TOTAL...	103.5	110.0	155.8	
LOANS.....	91.0	96.4	114.4	
GRANTS.....	12.5	13.6	41.4	
A.AID.....	81.6	87.6	115.2	
LOANS.....	71.0	76.4	74.4	
GRANTS.....	10.6	11.2	40.8	
(SEC.SUPP.ASSIST.)...	59.4	55.0	81.0	
B.FOOD FOR PEACE.....	20.1	20.5	40.4	
LOANS.....	20.0	20.0	40.0	
GRANTS.....	0.1	0.5	0.4	
TITLE I-TOTAL.....	20.0	20.0	40.0	
REPAY. IN \$-LOANS.....	20.0	20.0	40.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	0.1	0.5	0.4	
E.RELIEF,EC.DEV & WFP.	0.1	0.1	0.3	
VOL.RELIEF AGENCY.....	0.0	0.4	0.1	
C.OTHER ECON. ASSIST.....	1.8	1.9	0.2	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	1.8	1.9	0.2	
PEACE CORPS.....	1.7	1.8	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.1	0.1	0.2	
II.MIL. ASSIST.-TOTAL...	3.5	4.2	7.6	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	3.5	4.2	7.6	
A.MAP GRANTS.....	3.3	4.0	7.3	
B.CREDIT FINANCING.....	0.0	0.0	0.0	
C.INTL MIL.ED.TRNG.....	0.2	0.2	0.3	
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E.OTHER GRANTS.....	0.0	0.0	0.0	
III.TOTAL ECON. & MIL...	107.0	114.2	163.4	
LOANS.....	91.0	96.4	114.4	
GRANTS.....	16.0	17.8	49.0	

OTHER US LOANS.....	0.1	1.9	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.1	1.9	0.0	

ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	1946-85

TOTAL.....	149.4	131.2	87.3	1132.9
IBRD	120.4	44.6	64.0	693.4
IFC	0.0	0.0	10.8	27.6
IDA	0.0	0.0	0.0	0.0
IDB	26.4	85.8	8.5	382.5
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	2.6	0.7	0.0	23.6
OTHER-UN	0.0	0.1	0.0	1.8
EEC	0.0	0.0	4.0	4.0

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Mexico is a Federal Republic which has been governed by the Institutional Revolutionary Party (PRI) since 1929. The Constitution of 1917 provides for the separation of powers among a bicameral legislature, a judiciary, and an executive, but the powers of the presidency far outweigh those of the other branches in Mexico's highly centralized system.

The PRI dominates politics at the federal and state levels. Opposition parties, viewed by the Government as outlets for criticism and dissatisfaction, have been able to make some inroads on the municipal level. Opposition strength, especially that of the conservative National Action Party (PAN), is growing but has yet to challenge the PRI successfully on the state level, let alone for the presidency. Most opposition party opportunities have been thwarted by nation-wide PRI voting strength and organizational power, by maneuvers to divide the opposition, extensive public patronage, and, the opposition claims, by continuing electoral fraud. In the July 1985 gubernatorial elections, the PAN mounted particularly strong campaigns in the northern states of Nuevo Leon and Sonora. According to official Government election returns, the PRI won substantial victories in both states. The opposition and many journalists asserted that massive fraud took place in the elections. Others, however, asserted that attractive PRI candidates, hard campaigning, and PAN failure to get out its vote were determining factors. Nationwide, the PAN won eight out of 300 Deputy seats in the single-member constituencies. In addition, opposition parties split the 100 seats reserved for them in the Chamber of Deputies.

Mexico is an urbanized country with a sizeable and modern industrial sector. There are also large peasant and indigenous populations in the rural areas which continue greatly to rely on manual labor. The pattern of income distribution is severely uneven.

In 1985 human rights organizations continued to express concern over the fate of Mexico's "disappeared" and to make allegations concerning arbitrary arrests, especially of members of opposition parties, unions independent of the PRI, and peasant organizations. The National Committee in Defense of Prisoners, Persecuted, Disappeared, and Political Exiles in Mexico currently estimates there are 475 Mexicans who have disappeared since 1969 and whose whereabouts are unknown. The Committee states that 11 of them have disappeared during the current administration. The Committee charges that all of those unaccounted for are being held clandestinely in government prisons, a charge which the Government denies. The Committee also currently alleges the existence of 140 political prisoners who have been arrested during the current administration and remain in jail; the vast majority are peasants involved in land disputes.

Concern over alleged use of torture by police reached a peak in the aftermath of the September earthquakes which destroyed the Mexico City Attorney General's building. A number of bodies, both Mexican and Colombian, were found, allegedly bearing signs of torture. Though this was officially denied, by the end of the year the Senate had passed an anti-torture bill, the Attorney General of the Republic had admitted that Mexican police had used torture in some instances but that torture was not "institutionalized," and the Mexico City

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Attorney General had been replaced. Her successor had publicly stated that "bad public officials" had been responsible for torture in the past and promised to eliminate such practices. A number of deaths have also taken place, especially in the rural sector in disputes over land. The Federal Government continues efforts to curb misuse of political authority; local leaders on the municipal level, however, especially those involved with influential private landowners, allegedly place a low priority on the protection of human rights, and abuses appear to stem largely from that sector.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

The investigation into the 1982 Tula River killings, reopened last year, is continuing. During 1985, some members of the former Division of Investigation for the Prevention of Delinquency (DIPD), the main body implicated in the killings, were interrogated. Of those members for whom arrest warrants have been issued, many remain fugitives, but at least four have been arrested and are in jail pending completion of the investigation. On November 18, a former Commander of the DIPD, also in prison in connection with the Tula River killings, was found dead in his cell in the Reclusorio Oriente, an apparent suicide. In addition, three members of the former Federal Security Directorate (DFS), for whom warrants also are outstanding, remain fugitives. The former Director of the Federal and Transit Police, on whose instructions, according to testimony, the killings took place, is currently awaiting extradition from the United States.

Peasant organizations charged that, during 1985, at least 21 peasants were killed in confrontations in the states of Chiapas, Veracruz, Hidalgo, Sonora, Oaxaca, Puebla, and Guanajuato. Such charges have come not only from independent peasant organizations such as the Independent Center of Agricultural Workers and Peasants (CIOAC) and the National Coordinator for the Plan of Ayala (CNPA) among others, but also from the PRI-affiliated National Confederation of Peasants (CNC). The independent groups attribute the killings to paramilitary bands supported by local landowners (caciques) as well as to members of the CNC, and to local police. For its part, the CNC attributes fatalities in its ranks to members of the independent unions, encouraged, they say, by leftist political activists. Others, however, suggest that for the most part CNC members who have been killed were victims of internal CNC struggles.

A major incident in 1985 involved the killing of Alejandro Cardenas Peralta, a Unified Socialist Party of Mexico (PSUM) Federal Deputy, on February 27 in Oaxaca. The PSUM accused an agent of the State Attorney General and two agents of the State Judicial Police in Oaxaca of having carried out the murder. Other allegations are that his opposition to a tourist project which would have entailed expropriation of communal lands was a factor in his murder. An investigation has been ordered, but its results, if any, have not been made public and no arrests have been made.

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Representatives of the peasant organization Campesinos Unidos de la Sierra Oriental (CUSO) in the states of Hidalgo and Veracruz charged in 1985 that powerful landowners' interests are being protected by local judicial police. They have alleged that such activities have resulted in the murder of 20 peasants and they have asked the Governor of Hidalgo to order an investigation. Peasant organizations in Oaxaca have charged that large local landowners, with the complicity of local authorities, have been able to carry out campaigns of murder, intimidation, and attacks on their members. The Triquis, an indigenous group which is concentrated in Oaxaca, claim they have been singled out as a target of such tactics, and have accused the Governor of Oaxaca of complicity.

Amnesty International has continued its investigations into incidents along the Mexican-Guatemalan border in which Guatemalan refugees were killed in 1984. In January 1985 the Mexican Government gave assurances to Amnesty International that the Government will continue to provide its traditional protection and relief to all refugees. The Government works in close cooperation with the U.N. High Commissioner for Refugees to achieve these ends, but some refugees continue to allege mistreatment, at the hands of not only Guatemalan forces but also the Mexican security forces.

b. Disappearance

The Committee in Defense of Prisoners, Persecuted, Disappeared, and Political Exiles of Mexico, led by Federal Deputy and Revolutionary Workers Party (PRT) 1982 presidential candidate Rosario Ibarra de Piedra, continued to press the Government for information on the fate of Mexico's disappeared. Alleging a total of 475 disappearances since 1969, including eleven during the current Administration, the Committee continues to charge that the disappeared are being held in a variety of clandestine, government-controlled prisons, where they are subject to torture. It supports these claims with reports by other human rights groups, news reports, and letters smuggled out of prison. The Government, in formal reports and interviews, steadfastly denies the existence of any such prisons, as well as involvement in the disappearance of individuals, and states that those unaccounted for were killed in encounters with security forces, changed their names and went underground, or voluntarily went into exile. In reference to the eleven specific cases, there are indications the Government has made some efforts to determine the whereabouts of the missing but to date has not been able to resolve the cases.

In February 1985 U.S. Drug Enforcement Administration Agent Enrique Camarena and his Mexican pilot were kidnapped in Guadalajara and subsequently killed. The crime involved a gang of narcotics traffickers, as well as local and state police, some of whom have been arrested during the investigation of the killings. The investigation itself is continuing and the trial is expected to take place by mid-1986.

In January 1985 an American citizen doing research for a book on drug-trafficking in Mexico and a friend disappeared in Guadalajara. Their bodies were discovered months later. It appears that at least some of the individuals implicated in the Camarena case were involved in these murders as well.

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In December 1984 four Jehovah's Witnesses missionaries disappeared in Guadalajara. They are still missing. Investigations are continuing. Their disappearance while conducting door-to-door missionary work may be related to inadvertent contact with drug traffickers.

The UN Human Rights Commission's Working Group on enforced and involuntary disappearances considered evidence presented by Mexico at the 39th session of the Commission. At that time, Mexico was removed from the list of countries considered by the Working Group.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Although torture is prohibited by the Constitution, human rights organizations have charged that the police have tortured both political prisoners and those arrested for common crimes with electric shocks, often applied to the genitals; beatings; deprivation of light, food, and water; exposure to the elements for long periods; and other means. During 1985 two American citizens arrested on narcotics trafficking charges filed complaints of various abuses during their arrest, interrogation, and imprisonment. In response to these allegations the Government has initiated an investigation.

Rosario Ibarra de Piedra alleges that the Oaxaca State Government has tortured members of the Coalition of Workers, Peasants, and Students of the Isthmus (COCEI). On April 13, the PAN municipal head of Zimol, Chiapas, Roberto Alfonso Ruiz, accused Chiapas State officials of arresting and torturing peasants on a regular basis, naming the State Attorney General as culpable. Following the July-September occupation by members of the National Action Party (PAN) of the City Hall in Agua Prieta, Sonora, in protest of the July election results, the PAN National Executive Committee alleged that 16 of its 21 arrested activists had been tortured while in custody.

In August the magazine "Proceso" published an open letter from six prisoners held in the Reclusorio Oriente, a prison in the Federal District, asserting that they had been repeatedly tortured with electric shocks to their genitals to extract spurious confessions on various crimes. They alleged that the real motive for their mistreatment was their membership in the Popular Tacuba, a party of workers and peasants. The Government states that the prisoners' allegations of mistreatment are simply a means to escape punishment and that they are guilty of the charges made against them, and it denies that their confessions were coerced.

In the aftermath of the severe earthquakes in Mexico City which occurred in September and destroyed the Federal District Attorney General's office building, the local press reported that the bodies of four Colombian prisoners were found, bearing signs of torture. The discovery sparked inquiries from the Colombian Government, as well as other governments providing disaster relief. Also found in the structure was the body of a criminal lawyer, Saul Ocampo, which reportedly showed signs of beating and asphyxiation. Ocampo had disappeared a week before the earthquake, on September 13. The then Attorney General for the Federal District denied before the Justice Commission of the Federal Chamber of

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Deputies that the Colombians had been tortured, and she presented forensic statements that injuries and deaths were caused by the collapse of the building itself, though she admitted the Colombians had been arrested without warrants. On December 3, the Attorney General of the Republic admitted that police had tortured detainees in Mexico, although he emphasized that the practice was not "institutionalized." Media editorial comment on his statement was critical, observing that torture had become an established method of police investigation, based on inefficiency, corruption and lack of democratic controls on police bodies. On December 26, the Federal District Attorney General resigned after being named a Supreme Court Justice by President de la Madrid. Her successor stated in his first press conference that no attorney general had ever ordered police to conduct torture. He said, however, that some bad public officials had engaged in torture, and vowed to eliminate any such practices.

The Government's official position is that in the rare circumstances where torture occurs it is not officially condoned. However, on September 18, following allegations of torture of the Colombian detainees, the newly formed Senate Commission on Human Rights held a press conference to announce its drafting of a bill which, augmenting constitutional prohibitions against torture, would specifically prohibit the practice, as well as providing punishment for officials engaging in torture. In response to a question whether the Committee's position was a tacit acceptance that torture exists in Mexico, the Committee responded affirmatively.

The de la Madrid Administration, in apparent response to continuing allegations of torture by law enforcement officials, has conducted new recruitment into the various police forces and has emphasized education and training in legitimate investigative skills.

Prisons are overcrowded, and there are complaints about lack of trained personnel, a high turnover both in staff and administration, and mistreatment of prisoners which is related to corruption of prison officials. Since the current Administration took office, reforms have been carried out in the prisons of the Federal District, where two new prisons are under construction. In some other parts of Mexico, overcrowding has in a few instances been somewhat alleviated by new prison construction, but in actuality little appears to have been done to remedy the poor conditions outside the Federal District.

In March 1985 Mexico signed the U.N. Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment and the Mexican Senate gave its consent to ratification of the Convention in December. President de la Madrid signed the formal instrument of ratification on January 20, 1986.

d. Arbitrary Arrest, Detention, or Exile

Leaders of peasant organizations and unions outside the framework of the PRI, as well as opposition party activists, claim that the police frequently make arbitrary arrests which result in extended periods of detention.

Allegations have appeared in the Mexican press that during a February demonstration of peasants in Tuxtla Gutierrez,

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Chiapas, local police were responsible for killing one demonstrator, injuring 154, and arresting six. The Catholic Bishop of San Cristobal de las Casas, Samuel Ruiz, asserted that there has been a deliberate increase in the number of incidents of arbitrary arrest, harassment, and other repressive measures being taken against peasants in Chiapas on the part of state authorities.

Representatives of Campesinos Unidos de la Sierra Oriental (CUSO) in the States of Hidalgo and Veracruz have demanded a state investigation into the continued detention of twelve peasants in Pachuca. The press reported in March that a peaceful demonstration of the Unidad Obrero Campesino Popular (UOCP) in front of the Secretariat of the Interior was violently suppressed by police; one person was killed and another was arbitrarily arrested. In protest, the UOCP first staged a hunger strike and then seized the Greek and Dutch Embassies in Mexico City for a brief period of time.

Amnesty International has adopted as prisoners of conscience four members of the Coalition of Workers, Peasants, and Students of the Isthmus (COCEI), including one of its founders, Leopoldo de Gyves Pineda, who have been in prison since December 1983. The four have been charged with offenses against the public order, illegal carrying of arms, and incitement to riot. The COCEI claims that the charges are politically motivated, following the forcible ousting of the PSUM/COCEI municipal government of Juchitan, Oaxaca, in July, 1983. (The PSUM/COCEI coalition had won the 1981 election).

Practically all opposition parties have lodged charges of arbitrary arrest against PRI-controlled local authorities. In Tamaulipas, both the PSUM and the PAN claim that the police are harassing and arresting opposition leaders solely on the basis of their political views. The PAN alleges that four of its members were held in jail for 20 days in January 1985 without any charges before finally securing release. In the Yucatan, the PAN reported that 11 PAN members in the town of Peto were arrested in April for their political activities, and that four of the group were held for 60 days before their release. Peasants marched in Oaxaca in April to protest the detention of thirty-three peasants whom they termed political prisoners.

Jose Francisco Velazquez, President of the Bar Association in Mexico State, asserted in an address on April 17, 1985, that fully 40 percent of the prisoners held in the State of Mexico are innocent of all charges, and that torture and kidnappings characterize police methods there. He demanded that the Government either formally charge all prisoners and bring them to trial, or release them. In response, the Assistant Attorney General for the state denied that prisoners are being mistreated or arrested without cause. According to press accounts, the state Attorney General's own records show that, though there were over 7,500 detainees in 1984, only 1,914 orders of detention had been issued.

The Mexican Senate has approved a change in the criminal code preventing any "unregistered" arrests by the judicial police. The new section of the law Article 197, requires that those arrested be brought before a judge from the moment they are placed in a holding cell and that the arrest be immediately registered. Supervisors of holding cells will be required to note the date and time the prisoner is brought in.

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There are legal prohibitions against forced or compulsory labor.

e. Denial of Fair Public Trial

Under the Constitution, trial and sentencing must be completed within 12 months of arrest for crimes that would carry at least a 2-year sentence. Despite efforts at reform, this standard is often not met because of delays caused by cumbersome court procedures, backlogs of cases, and the defendants' inability or unwillingness to pay bribes to bring their case to trial. Especially in the criminal field, lack of judicial independence and low pay for judges combine with procedural inflexibility and an overburdened bench to weaken a judicial system which is highly advanced in many respects, and make it vulnerable to corruption.

Allegations have been made by the political opposition that the failure to bring to trial detained peasant activists, independent union members, and those in the political opposition is politically motivated. All judges are placed in position via renewable appointments made by the President, State Governors and the head of the Federal District, as the post dictates. The political opposition alleges that the judiciary is not independent of the Executive Branch of Government, especially where the opposition has sought legal recourse to combat purported electoral fraud.

Defendants have a right to counsel and public defenders are available. Although certain sections of the criminal code provide for the convoking of tribunals with juries, in practice this almost never takes place. In most cases, a judge, generally acting alone, examines written statements, expert opinion and, less commonly, oral testimony and then renders his verdict.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Although the Mexican Government generally does not intrude on the privacy of individuals, and search warrants are required by law, Mexican human rights activists and members of the political opposition have complained that they are followed by the police and their telephone lines are tapped. Members of independent workers' and peasants' organizations, particularly in the northern states, say they have been frequent targets of these practices. There have also been charges of invasions of peasants' homes by local landowners accompanied by police without warrants, and allegations that these incidents sometimes involved robbery, rape, and the burning of homes. Urban squatters allegedly have been similarly victimized.

Section 2 Respect For Civil Rights, Including:

a. Freedom of Speech and Press

Freedom of speech and of the press are guaranteed by law. The Government is tolerating more direct public criticism, and bolder press articles have appeared. Certain topics, such as direct criticism of the President and the military, have traditionally been avoided by the media. Mexico's press is a primary source for reporting allegations of human rights violations, and although there continue to be instances where reports of violations are not carried, the coverage generally speaks positively for press efforts in this area.

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Despite the trend towards press liberalization, in March the political magazine "Contenido" had to stop publication, allegedly because of government warnings that its political coverage was offensive and dangerous to the public interest. Notable among the articles in the last issue was extensive coverage of former President Jose Lopez Portillo, alleging that he had profited personally from his term in office.

Press sources report that the Administration influences the press by giving financial supplements to individual reporters for favorable articles, by withholding newsprint and ink (government monopolies) from critical papers, and, more significantly, by selectively placing government advertising, an important source of income for the press. Some payments to journalists have reportedly been reinstated by the de la Madrid Administration, after having been suspended following the Administration's entry into office. In some cases, the payments are indirect, as when a journalist receives a percentage of the advertising sold to the entities which he covers. Opposition parties and some journalists have publicly accused the PRI's Office of Information of making large payments directly to other journalists. They say that this explains the reduction in direct government subsidies to journalists.

b. Freedom of Peaceful Assembly and Association

The Constitution grants the right to peaceful assembly for any lawful purpose throughout the country, but a government permit is generally required for major demonstrations. Within the Federal District, opposition political groups, as well as peasant and indigenous organizations, are allowed frequent access to both main boulevards and the city's large central square for demonstrations. However, various opposition groups have alleged that peaceful demonstrations were broken up by police and security forces, and some participants have been assaulted and arrested. The Government generally defends its tactics by asserting that the demonstrators pose a threat to public order.

Basic trade union, worker, and employer rights are protected under Mexican law, and most, such as the right of workers to organize trade unions, to bargain collectively, and to strike, are guaranteed in Article 123 of the Constitution.

Mexico has a multiplicity of trade union organizations, most but not all of which are affiliated with the PRI. By far the largest of these are the CTM, or Confederation of Workers of Mexico, and the FSTSE, or Federation of Government Workers Unions, which includes most government workers. The CTM and FSTSE, along with various much smaller confederations and various independent but PRI-affiliated unions which are outside any trade union confederation, all belong to a loose umbrella labor organization known as the Congress of Labor. There are also a number of independent unions outside of the Congress of Labor, some with a conservative orientation, and others of a pronounced leftist, Communist, or radical orientation. Some independent unions continued to complain of occasional harassment from bodies associated with the PRI, but these complaints appear to have declined significantly during 1985. The majority of organized peasants belong to the National Conference of Peasants (CNC), an organization also affiliated with the PRI.

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Unions in Mexico are permitted to affiliate and maintain relations with recognized international trade union and labor bodies. The CTM is affiliated with the International Confederation of Free Trade Unions (ICFTU) in Brussels, and is a leading member of the democratic ICFTU's Interamerican Regional Organization of Workers, the ORIT, headquartered in Mexico City.

A number of CTM unions and occasional independent Mexican unions are also affiliated with various international trade secretariats. The CTM also always provides the Mexican Worker delegate to the International Labor Organization (ILO). The Communist World Federation of Trade Unions' regional interamerican organization is permitted by the Mexican Government to maintain its own headquarters in Mexico City, although the regional group reportedly has only one small Mexican affiliate.

c. Freedom of Religion

Under the Constitution, individuals are free to practice the religion of their choice; however, no religious body has legal standing. The clergy is prohibited from participating in politics, voting, owning real estate, or wearing religious habits in public. Some of these prohibitions are not strictly enforced; neither is a constitutional restriction against pre-university religious schools, many of which exist. In practice, the hierarchy of the Catholic Church in Mexico maintains a close liaison with the Government. Although Mexico is predominantly Roman Catholic, Protestant and Jewish communities also exist.

Protestant Evangelists, especially from outside Mexico, are active and are especially successful in certain rural, largely indigenous communities. Some critics have stated that the Government is selectively enforcing the anti-clerical laws in favor of the predominant Roman Catholic Church. Other critics have asserted that, in some outlying areas, the laws are not being enforced against the evangelists, so as to reduce the influence of the Catholic Church.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement within and outside the country is unrestricted, except for some areas along the Guatemalan border which have been closed to the public by the military.

Mexico has in the past traditionally followed a liberal asylum policy and its borders have been open to Central Americans fleeing from their countries. During the past year, there has been some attempt to control these entries without closing the southern border. The process of relocating the refugee camps from the border to the Yucatan Peninsula has continued, with the Government asserting that the purpose of the move is to protect the refugees and improve their living conditions. However, critics have charged that the real motivation is to discourage additional refugees from coming. According to the Mexico City office of the U.N. High Commissioner for Refugees (UNHCR), there were 39,600 Guatemalan refugees situated in Mexico's southeast region as of December 1985. Estimates of displaced Salvadorans in Mexico continue to be unavailable from the Mexican Government. The UNHCR will not estimate the total number of Salvadorans present in Mexico, limiting itself

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to stating that the number of refugees assisted by the office in 1985 was 2,300, of whom 70 percent were Salvadoran.

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

Mexico has been governed since 1929 by the PRI, the dominant party. To secure its continuance in power, the PRI has relied on revolutionary legitimacy, cooption of the opposition, extensive public patronage, massive government and PRI organizational resources and -- opposition parties charge -- electoral fraud in some cases. The PRI has broad representation from labor, peasants, and other sectors of society. Opposition parties have been able to make some inroads, especially among the peasants and the middle class. President de la Madrid, in all three of his Annual Reports to the Nation, emphasized his commitment to political pluralism in Mexico. In the second address, he pointed to the registration of two additional opposition parties, the Authentic Party of the Mexican Revolution (PARM) and the Mexican Workers Party (PMT). Critics have observed, however, that it is in the interest of the PRI to keep the opposition fragmented. They also charge that the PARM joins the ranks of other so-called opposition parties, such as the Popular Socialist Party (PPS), which generally support the PRI.

The President of the Republic and Senators are elected concurrently for one six-year term. The Lower House is elected for a three-year term, once during the elections for President and thereafter mid-way through the presidential term. State Governors are elected for six-year terms, with elections staggered in the various states throughout the course of the presidential term. Members of the unicameral state legislatures and all mayors are elected for three-year terms and these elections are also staggered throughout the President's term.

Before the July 1985 gubernatorial elections, the opposition asserted that the results in states with a developed opposition, particularly Sonora and Nuevo Leon, would represent a test of the PRI's commitment to political pluralism. The PRI's victories in both states' gubernatorial contests raised the possibility of electoral fraud. However, it is also true that, in response to the PAN's expected strong showing, the PRI fielded more attractive and aggressive candidates than it has in some time, and campaigned harder.

Previous allegations of the Government's refusal to recognize claimed opposition victories included the November 1984 municipal election in Chemax, Yucatan. The opposition PAN had refused to accept the PRI municipal government which, it said, was being illegally imposed. Appeals to the state legislature did not result in resolution, and periodic protests continued through June 1985; in March, a violent confrontation between PRI and PAN supporters resulted in the death of one PAN supporter.

Opposition parties are guaranteed access to public media and seats in State and Federal legislatures are reserved for them.

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

The Government participates in international human rights forums and allows both domestic and international human rights groups to operate in Mexico without restrictions or harassment. Various ranking Mexican officials have met with representatives of Amnesty International; the National Committee in Defense of Prisoners, Persecuted, Disappeared, and Political Exiles in Mexico; the U.N. Human Rights Commission; and other concerned organizations and their representatives to discuss allegations and share results of government investigations of reports of human rights violations. Amnesty International has an office in Mexico.

Mexico is an active member of the U.N. Human Rights Commission, and during 1985 reported to the Commission on 75 cases of disappeared persons, providing information on 73 of the cases. As a consequence of the Mexican Government's investigations into allegations of disappearances and torture, the Commission is not continuing to investigate those allegations, proclaiming the Mexican Government to be in accord with the standards by which the Commission is guided. The Mexican Government has pledged continued close cooperation with and responsiveness to the Commission, as well as other international monitoring organizations. In March, Mexico signed the United Nations International Convention Against Torture, which commits it against the use of torture, as well as to periodic reporting by representatives of the Committee Against Torture. President de la Madrid signed the formal instrument of ratification on January 20, 1986.

Amnesty International 1985 Report, which covered calendar year 1984, was concerned mainly with arbitrary arrest and prolonged incommunicado imprisonment of political prisoners, sentences based on confessions allegedly extracted under torture and ill-treatment, and disappearances. Amnesty International was also concerned about information on the arbitrary arrest and murder of members of rural communities and Indian groups, in some cases alleged to have been carried out directly by members of the official security forces, and in others by armed civilians who seemed to be acting in concert with the former. Freedom House ranks Mexico "partly free".

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Mexico's population in 1985 is estimated at 78.6 million and its population growth rate stands at 2.3 percent. The gross national product per capita was \$2,350 in 1984.

Mexico's major domestic economic and social problems are poverty, inflation, generally depressed levels of economic activity since 1981, unemployment, underemployment and severely uneven income distribution. These problems have been exacerbated by the effects of the earthquakes in September 1985. The Government maintains its right to regulate many private economic activities in the public interest. Restrictions regarding the ownership of property by foreigners generally limit foreign equity participation to 49 percent.

Mexico has become an urbanized society, with 67 percent of the population living in cities as of 1980. Around 18 million people live in the Mexico City metropolitan area. Life

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expectancy at birth is 66.4 years and the infant mortality rate is 42.3 per 1000 live births. The primary school enrollment ratio was 121.1 percent in 1981 (male 122.7 and female 119.5). Primary education is both free and obligatory and has been extended to 10 years of schooling. Adult literacy as of 1980 stood at 83 percent. As of 1981, 58 percent of the population had access to safe water (urban, 61 percent and rural, 51 percent). The average caloric supply as a percent of requirement was 117 percent in 1977. There is no discrimination based on race, religion, sex, ethnic background or political opinion in the availability of food, shelter, health care, and education. The Mexican Government's figures show that unemployment is 8.0 to 8.5 percent. Underemployment has been estimated by many observers at 30 to 40 percent for several years.

Mexican law sets the minimum age for the employment of children at 14 years; children over 14 but under 16 years of age may work but are subject to special legal protections and shorter working hours than adults and cannot be employed in certain jobs. The law also provides for a minimum wage which is revised semi-annually, a maximum legal work week of 48 hours with a maximum work day of eight hours. Extensive regulations pertaining to occupational health and safety also exist. Child labor laws in Mexico are observed fairly strictly in medium-size and large manufacturing and commercial establishments, but less so in small shops and in such occupations as that of street vendor, where child labor is hard to control. Industrial safety laws are less frequently observed in practice, particularly in the heavy industrial sector and in the construction industry.

Men and women are equal in principle under the law. Mexican women have the right to file for divorce and separation. There are no travel restrictions on women and they can own property in their own names. Over the past ten years, women have increased their presence in non-traditional occupations. Although the concept of women as mothers and homemakers continues to dominate, the number of women's action groups is increasing and it appears that the objectives of women are becoming more diversified. Women comprise approximately 26 percent of the work force in urban areas but continue to work predominantly in nonsupervisory jobs with few at the executive level. However, a woman is now Secretary-General of the dominant political party. As the result of an appointment to fill a vacancy, the number of women in the 1982-1988 Senate has increased from six to seven of 64 Senators; of the 400 Federal Deputies elected in 1985 to the 53rd legislature, 43 are women (an increase of eight from the 52nd legislature).

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: MEXICO

	1983	1984	1985
I.ECON. ASSIST.-TOTAL...	8.2	8.4	11.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	8.2	8.4	11.1
A.AID.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	0.0	1.2
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	1.2
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN \$-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	1.2
E.RELIEF.EC.DEV & WFP.	0.0	0.0	1.2
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	8.2	8.4	9.9
LOANS.....	0.0	0.0	0.0
GRANTS.....	8.2	8.4	9.9
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	7.8	8.3	9.7
OTHER.....	0.4	0.1	0.2
II.MIL. ASSIST.-TOTAL...	0.1	0.2	0.2
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.2	0.2
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.1	0.2	0.2
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	8.3	8.6	11.3
LOANS.....	0.0	0.0	0.0
GRANTS.....	8.3	8.6	11.3
OTHER US LOANS.....	88.2	79.4	0.0
EX-IM BANK LOANS.....	37.2	66.5	0.0
ALL OTHER.....	51.0	12.9	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1983	1984	1985	1946-85
TOTAL.....	1373.2	883.3	674.8	12056.1
IBRD	887.9	576.3	593.0	7796.4
IFC	179.2	25.2	0.0	776.6
IDA	0.0	0.0	0.0	0.0
IDB	306.0	281.0	74.3	3408.2
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.1	0.8	0.0	53.7
OTHER-UN	0.0	0.0	2.5	21.2
EEC	0.0	0.0	0.0	0.0

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In January 1985, the Junta of National Reconstruction (which had run the Nicaraguan Government since the 1979 revolution that overthrew the Somoza dictatorship) was terminated with the inauguration of President Daniel Ortega Saavedra and Vice President Sergio Ramirez and the swearing-in of a 96-member National Assembly. Real political power nevertheless continued to be wielded by the National Directorate of the Sandinista National Liberation Front (FSLN), the Front's nine Marxist leaders who conceive and implement policies through an interlocking party-government structure. Intimidation and the restriction of basic human rights were significant factors in the largely successful consolidation of power by the Sandinista Front over the preceding five years. Though elections were held on November 4, 1984, important sectors of the political opposition declined to participate because of the Government's failure to establish the conditions necessary for a fair and free campaign.

During 1985, the Sandinistas increased markedly their intimidation of the Church and the civic opposition and their control of the society. The basic instruments of internal control, the police and state security organizations, fall under the control of the Ministry of the Interior. Using these agencies, the Sandinistas are able to enforce adherence to the standards of political conformity imposed by the FSLN through the power of arbitrary arrest, interrogation, and imprisonment.

The Nicaraguan economy is heavily agricultural. Its small industrial sector, weakened during the 1978-79 revolution, continues to deteriorate under Sandinista economic policies. The Government controls the distribution of foodstuffs, and even basic staples are subject to rationing. Politically-motivated expropriations, the increasingly state-managed economy, heavy military expenditures (accounting for an estimated 60 percent of the budget), and often capricious implementation of agrarian reform have substantially decreased living standards in the country.

The civil war continued throughout 1985, with heavy combat in the northern region causing casualties to civilians and extensive damage to economic infrastructure. Human rights organizations charged both sides with serious human rights abuses. Government security forces reportedly tortured and executed persons suspected of assisting the guerrillas, while the Government accused the guerrillas of killing, torturing, and kidnapping civilians. The Sandinista Army continued military impressment, conducting sweeps of public facilities and forcibly removing youths as young as twelve. Although the Government claims that conscientious objection to military service is permitted, it is not provided for in the law. On October 15, the Government reinstated and broadened the 1982 State of Emergency restrictions on civil rights and liberties originally provided in 1979 by the National Junta of Reconstruction in "The Statute of Rights and Guarantees of Nicaraguan Citizens." Under the new decree many rights concerning arrest, trial, detention, speech, assembly, privacy and association were abolished. In effect, however, the latest suspension of civil liberties merely legalized various government activities that in practice had already been underway.

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Beginning in mid-1985, government officials and entities began to increase and personalize public attacks on business, church, professional and opposition political leaders. Intimidating interrogations of such leaders, searches of houses and the confiscation of offices and publications occurred in the late fall. The Government continued to use an array of control techniques: political tribunals established outside the judicial system to try cases of suspected subversives, mass organizations controlled by the Sandinistas to help implement their policies and to instill loyalty and sanction opponents, and prior censorship of the print and electronic media to silence opposition.

The two domestic human rights organizations in Nicaragua which are independent of the Government were subject to constant harassment by the Sandinistas during 1985.

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

a. Political Killing

Ample evidence exists of a number of politically-motivated killings during 1985. The independent Permanent Human Rights Commission (Spanish acronym CPDH) received thirteen substantiated cases during the year of political killings committed by government authorities, and several more complaints in which government involvement was suspected. In one of the cases reported to CPDH in 1985, a Sandinista soldier took a Social Democratic Party member from his house. As soon as the family reported him as missing to CPDH, the Ministry of Defense issued a communique stating that a resistance leader by the same name had been killed in combat in November. The Social Christian Party called for, but did not receive, an official explanation for the death of a 17-year-old member whose decomposing corpse was discovered a few days after he was taken into police custody, apparently during a Government conscription round-up. In another case reported to CPDH, a Cuban military advisor indiscriminately opened fire on a group of Nicaraguans attending a party, killing three and injuring others. The Cuban was not prosecuted and Ministry of Interior officials reportedly attempted to bribe witnesses not to report the incident. Local newspapers announced that several Sandinista soldiers had been court-martialed for abuses in the field, but neither the trials nor the sentencing in such cases are open to public review. In one case, CPDH states that it has proof that the person convicted was sent to Bulgaria for study rather than serving out his term.

CPDH further alleges that, out of fear of reprisals, the majority of government political killings go unreported. In a May 12, 1984, letter to the Organization of American States (OAS) Inter-American Human Rights Commission (IAHRC), CPDH maintained it had evidence of an increase in the number of unexplained deaths. From 1981 to 1984, CPDH received 97 complaints of deaths attributable to identified civil and military authorities. In each case, after brief detention, the prisoners reportedly died "during attempts to escape," "in combat with army troops," "from heart attack," or under other circumstances CPDH found suspicious. CPDH brought all 97 cases to the attention of the Nicaraguan Government, but no investigations are known to have been conducted nor official explanations offered. In some cases, the families of the

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victims have themselves received death threats from government officials for making inquiries. CPDH findings of governmental involvement in political killings have been confirmed by a number of sources, among them former employees of the government-sponsored human rights commission and the Ministry of Interior.

One defector, Lt. Alvaro Baldizon, served as Chief Investigator of the Special Investigations Commission of the Ministry of Interior, established by the Ministry in early 1983 in response to mounting inquiries from international human rights organizations concerning reported government abuses. In 1985, Baldizon revealed that the Sandinista Government had systematically used state-sanctioned political assassinations, called "special measures" by Ministry of Interior authorities, against political opponents during 1983. According to Baldizon's own investigation, Ministry of Interior State Security forces summarily executed more than 300 farmers suspected of collaborating with the armed resistance in the Cua, Pantasma, Waslala and Rio Blanco areas. Relatives had reported many of these assassinations to CPDH and IAHRC, which published lists of the names of the missing persons. Baldizon's investigations in late 1984 turned up clandestine cemeteries in mountain communities of Matagalpa and Jinotega Departments where government investigators themselves believed victims of "special measures" had been buried. Baldizon charged that, in total, hundreds of assassinations and subsequent cover-ups were ordered by ranking Sandinista leaders--Interior Minister Tomas Borge and Vice Minister Luis Carrion.

In his October 1985 address to the United Nations, President Daniel Ortega claimed that insurgent forces, so-called "counterrevolutionaries," had killed 11,000 Nicaraguans, injured 5,000, kidnapped 5,000, and caused the displacement of 250,000 in six years of war between government and insurgent forces; he did not distinguish between Sandinista Army combatants and civilian casualties. CPDH and the 1985 independent Smith-Rygg human rights report claim that many civilian casualties have resulted from government use of heavy artillery near population centers in newly declared free-fire zones.

The Government has charged the insurgents with torturing and summarily executing civilians and prisoners of war. Americas Watch has accused both sides, holding the insurgent forces more culpable of violating international laws of war applicable to ordinary war conditions. There is evidence that many Nicaraguan civilians have been killed in crossfire. Some have died in insurgent ambushes of government military vehicles carrying civilian passengers. The Government has also distributed arms to persons engaged in civilian activities: in December, for example, it was announced that over one-half of the 10,000 coffee harvesters had received military training and would carry rifles in a defense capacity. The insurgents deny that they target civilians and in 1985 the newly-formed umbrella resistance group, the United Nicaraguan Opposition (UNO), announced that it would hold itself bound to the Geneva Conventions.

Although CPDH has received few reports of insurgent atrocities, some Nicaraguan government-sponsored international human rights researchers have produced extensive testimonies from alleged witnesses to political killings. Former

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Sandinista government employees who served in the area of human rights have charged that the Government controlled these groups' access to information. The Smith-Rygg report, based on interviews with Nicaraguan refugees in Costa Rica and Honduras and displaced persons inside Nicaragua, on the other hand, found no evidence of any systematic abuses conducted by counterrevolutionaries, in the form of intentional killings, torture, or rape.

b. Disappearances

Most reported disappearance cases result from what CPDH has labeled "a deliberate policy" by government security forces to hold suspected insurgents or political critics incommunicado indefinitely without notifying family members. The Government's October 15, 1985, suspension of legal guarantees for political detainees--habeas corpus, arrest warrants, and time limit on investigations--legalized this practice.

In its May 1984 communique to the IAHR, CPDH claimed that from 1981 to 1983, 433 cases of disappearance had been reported to its offices. As of that date, 142 of those cases had not been resolved and, in total for all years recorded, CPDH maintained it had 342 cases of prisoners who had disappeared. In the first six months of 1985, CPDH received 31 reports of disappearances. Of these, 16 persons had been located alive, with 14 of them detained in prisons. Three people had been found dead; 12 cases remained unresolved. CPDH found the Government implicated in 30 of the 31 reported disappearance cases.

The Government, for its part, has claimed that the insurgents have routinely kidnapped civilians. Insurgent forces have admitted to holding civilians captive temporarily in war zones. On January 26, 1985, Dr. Gustavo Sequeira Pena and a small medical team were taken captive by insurgents during battle on Rama Key, in the Bay of Bluefields. On April 29, the insurgents released the team, two members of which opted to remain with the Nicaraguan Democratic Forces (FDN). Nine members of the Sandinista "Fiftieth Anniversary Brigade"--volunteers who provide basic education in rural areas--were taken captive in 1984 and 1985. By the end of 1985, one continued to be held prisoner by the FDN, which was seeking the cooperation of the International Committee of the Red Cross (ICRC) in arranging her release; one was working as a volunteer with the FDN; and one had returned to Nicaragua. The FDN reported to the ICRC that it did not have information concerning the remaining six persons. Seven members of other Sandinista brigades previously reported as missing were discovered to have joined the resistance forces. A number of international workers have been temporarily held by insurgents; two reported that they had been raped.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

CPDH holds that the Sandinista Government, particularly in State Security interrogation centers and clandestine prisons, has condoned the intentional infliction of severe physical and psychological suffering for the purpose of extracting information or confession, of punishing the detainee for an actual or suspected crime, or of intimidating the detainee and others. For example, CPDH estimates that almost all the political prisoners convicted by special Sandinista tribunals

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(called "TPA's,") were convicted by confessions which were extracted by torture or abusive treatment that might fall technically short of torture. CPDH further maintains that cruel, inhumane and degrading treatment of prisoners in the national penitentiary system is pervasive and a detainee could be investigated indefinitely, tortured, or submitted to cruel treatment without any legal mechanism available to stop the abuses.

Nine known Ministry of Interior security interrogation prisons and several clandestine prisons function in the country. The Government has denied repeated requests by international human rights monitors to inspect these facilities, and it does not permit the ICRC to provide assistance to prisoners in State Security prisons. In 1985, both Americas Watch and the Lawyers Committee for International Human Rights repeated previous requests to the Government to eliminate the practice of incommunicado detention and to permit inspection of the State Security prison facilities from which they had received persistent reports of cruel treatment of detainees. Concerned that international human rights organizations had not been able adequately to address abuses occurring in Nicaraguan jails, CPDH published a special report, "The Prison Situation--Nicaragua 1985." The report summarizes testimonies collected from CPDH's current case files of serious abuses of prisoners' human rights.

In the most notorious of the State Security interrogation centers, "El Chipote," located in the downtown area of the capital city of Managua, many detainees are held incommunicado sometimes for months, in dark subterranean cells in which they can only stand or sit. Air reaches cells through a tube and no toilet facilities are provided. ("El Chipote" was also used during the Somoza dictatorship as an interrogation and torture center.) State Security interrogators, some of them reportedly non-Nicaraguan, routinely deprive detainees of food, water and sleep for lengthy periods of time. CPDH received several complaints concerning detainees who were made to dig their own graves, subjected to mock executions, or had had empty pistols triggered at their temples. Others were beaten by interrogators, sometimes with rubber instruments that do not leave marks. One mother reported to CPDH that her son's face had been disfigured by repeated beatings. In the colder mountainous areas of Esteli, in the La Barranca Prison, and in the La Perrera Prison of Matagalpa, detainees have been forced to stand in barrels of cold water for periods of two to three days or until they made desired declarations or agreed to become informants.

In 1984 and early 1985, several women detainees in "El Chipote" reported they had been raped repeatedly by their guards, one woman after she had been drugged for an interrogation session. Women prisoners, without regard to age, have been forced to assume humiliating positions naked in front of male guards who insult and hit or kick them, in some cases only because their husbands or sons are accused of crimes against the state.

President Daniel Ortega himself, before international journalists during a televised press conference, admitted to and justified the detention at "El Chipote" of the president of a Catholic school parents' association. Commander Lenin Cerna, head of State Security forces, personally tortured the victim. The 60-year-old, who was not politically active, was

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detained because of his religiously-based criticisms of the government-enforced program of Marxist-Leninist patriotic education. Cerna and his agents reportedly beat the victim and Cerna himself put a pistol to the victim's head, saying he was going to kill him that night and the rest of his family later. At the behest of a visiting foreign delegation, a high Nicaraguan official intervened, after which the victim was released in the middle of the night completely naked, without his eyeglasses, on a main Managua thoroughfare. State Security agents had told him he was being driven to a location to be executed.

CPDH also has on file cases in which, during prolonged and intense interrogations, detainees have been made to listen to recordings of pleading voices and cries of loved ones. They were sometimes led to believe that relatives had been imprisoned and were being mistreated because of the detainees' recalcitrance to confess or to implicate others. In a number of cases, particularly those which involved government officials who had defected to other countries, family members have been detained and reportedly subjected to cruel treatment and torture in an effort to force the defector to return or to intimidate him into refraining from criticizing the Government.

Complaints filed with CPDH by the relatives of prisoners and some released prisoners indicate that the prisons of the national penitentiary system are characterized by severe overcrowding, inadequate food and medical treatment, and unhygienic conditions that are intentionally imposed by prison authorities. CPDH believes that prison conditions have deteriorated within the last year and alleges that prisoners' families fear reprisals if they request reviews of cases or conditions. CPDH has evidence that prison authorities have also used exceptionally cruel forms of punishment that include sealed cells or cars placed in direct sunlight, where the prisoners are placed until they dehydrate. Indiscriminate beatings and unexplained transfers also occur. CPDH has provided to the Government the names of abusive prison officials and the charges against them, but it has no evidence that investigations have been undertaken.

The Government admits that it uses forced prison labor to harvest crops in war zones. Two known hunger strikes were known to have taken place in Managua prisons in 1985, during which prisoners protested the use of forced labor and poor prison conditions. Approximately 100 of the strikers were transferred to the El Chipote complex for incommunicado detention and special punishment.

According to its own statistics, the International Committee of the Red Cross (ICRC) is presently permitted by the government to provide medical and nutritional assistance to approximately 3,700, or 50 percent of the known political prisoners. A special agreement with the Government provides that the ICRC may not make public reports on conditions within the prison system. The ICRC also maintains an effective program of assistance to prisoner's families.

The Government human rights commission (CNPPDH) has developed a limited rehabilitation program within the penitentiary system for those prisoners who, according to CNPPDH officials, have come to accept the goals of the Sandinista revolutionary society. The program's most visible aspect is a system of open farm prisons. In those facilities, prisoners work during

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the day and have recreational programs, continuous visits by family members, and furloughs. While agreeing that such open prison facilities exist, CPDH and former CNPPDH employees maintain that they are few in number, and that they are used by the Government primarily for staged representations to international human rights monitors and visiting delegations. CPDH argues that the open farm prisons are populated by lower-ranking former Somoza National Guardsmen whose sentences are almost completed and who have agreed to cooperate with the Government as informants.

According to Catholic and Protestant church officials, priests and ministers are denied visitation rights or access to the prisoners. It has been reported to international human rights monitors that prison authorities have confiscated religious papers and books and broken up meetings of prisoners engaged in religious activity.

d. Arbitrary Arrest, Detention, or Exile

States of Emergency decreed in 1985 suspended various legal guarantees and civil rights relating to arrest and detention. As of November, emergency decrees had deprived persons accused of non-political offenses of the right to have a hearing within 24 hours of detention, to request a "personal exhibition" before a judge, to obtain damages for false imprisonment, and not to be removed from the jurisdiction of a competent judge. Also, those accused of non-political offenses no longer enjoyed the guarantee against arrest without a warrant. Persons accused of subversive political activities were denied all of the above rights and guarantees as well as the guarantee of habeas corpus. Thus, any Nicaraguan citizen is subject to arbitrary arrest at any time and may be detained for an indefinite period "for investigation" of what are deemed political offenses without being formally charged or being accorded any other kind of due process.

In practice, arbitrary arrest and prolonged incommunicado detentions by state security forces and Sandinista police have been common for years. Numerous international human rights monitors, including the Inter-American Human Rights Commission, Americas Watch, Amnesty International and the Lawyers' Committee for Human Rights have made detailed and longstanding protests of these abuses. In its April 1985 report, "Nicaragua-Revolutionary Justice," the Lawyers' Committee stated that during its investigation government officials openly admitted to incommunicado detentions of up to 30 days, and the Committee found cases in which persons had been detained incommunicado for substantial periods ranging from five weeks to two and one-half months. In one case, the Lawyer's Committee found that an individual had been detained for 15 months without being charged.

Thousands of Nicaraguan citizens--political opposition leaders, businessmen, religious officials and lay workers, journalists, and private citizens who were actual or suspected dissenters from governmental policies--were arbitrarily arrested in 1985 and subjected to incommunicado detention generally ranging from six hours to more than ten days in State Security prisons or police headquarters. During the incommunicado detentions, State Security agents, and in a few cases policemen, tried during intense interrogation sessions to extract statements to support accusations of subversive or

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"counterrevolutionary" activity on the part of detainees. Generally the detainees would receive orders to appear at a State Security prison or police headquarters at a certain time. On several occasions State Security agents arrested persons at their homes or work places, sometimes in the middle of the night. CPDH believes peasants in the rural areas are subject to more frequent arbitrary arrests and more lengthy periods of incommunicado detention. In its 1984 letter to the Inter-American Commission on Human Rights, CPDH claimed that "arbitrary detention, without trial, without legal charges, without possibility of defense, has been established as a system for intimidating citizens. After several months of illegal detention, they are freed without ever having been through any court and without being given any opportunity to defend oneself. Some of the prisoners have died in jails. Others, after several years in prison, are declared innocent, but their families have been destroyed, their property has been confiscated, they have lost their jobs."

In 1984 and 1985, CPDH received several complaints of mass arrests of the citizenry of small villages in war zones for supposed collaboration with resistance forces, or mass roundups of youths believed to be evading compulsory military service. In La Trinidad, 39 peasants, who were arrested and accused of circulating a letter stating that they had not voted in the 1984 elections, were held incommunicado for five days in the Esteli State Security prison, La Barrauca. There they were reportedly deprived of food for several days, isolated in dark cells, and made to stand in barrels of cold water until they confessed, before being transferred into the regular penitentiary system in Managua to await trial in the TPA.

Prisoners detained for TPA trials normally face additional long (usually five to six months, but sometimes longer) incommunicado confinement pending investigation by the Interior Ministry. Investigation can be extended indefinitely and family members and counsel, who are not notified of the arrest or generally permitted visits, have no evidence upon which to file allegations of either physical or psychological abuse. Writs of habeas corpus, available until October 1985, only served as notice from a government official, who reportedly had seen the prisoner, that a given detainee was being held in the State Security prison, El Chipote.

The Government does not usually exile dissidents, but in the spring of 1985 the Government forbade airlines to bring opposition leader Arturo Cruz into Managua. Also, many opposition leaders and critics of the Government have fled after receiving threats from government officials against their lives and those of their families and/or after their sources of livelihood had been destroyed by the Government through property confiscation or deprivation of employment.

In early 1985, the Government extended and broadened the terms of an amnesty, granted previously only to Miskito Indians and certain other exiles and "counterrevolutionaries," to include all Nicaraguans. According to government reports, over 2,000 people had received amnesty under that decree by November 1985. There were no known cases of later detentions for acts committed prior to amnesty.

Prohibitions on the use of compulsory or forced labor are among the rights and guarantees of Nicaraguan citizens. The

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October 15 suspension of political and civil liberties did not affect those provisions of the law.

e. Denial of Fair Public Trial

The state of emergency decreed in 1985 suspended various legal guarantees and civil rights relating to judicial processes. As of November, emergency decrees had deprived persons accused of non-political offenses of the following rights: to be informed of charges, to have a public trial before a competent judge, to participate personally in all proceedings from the start, and to challenge evidence. Such persons no longer enjoyed the following legal guarantees: against imprisonment without all requirements of law having been fulfilled, against double jeopardy, and against conviction for an act which was not a crime when committed. Persons accused of subversive political activities were denied the above rights and guarantees, as well as the right of appeal within the judicial branch. Within the severe restrictions imposed by the foregoing suspensions of rights and guarantees, the criminal courts showed some independence from political manipulation. Two kinds of special tribunals outside the judicial branch, however, had nearly discretionary powers to try economic, political, and security crimes--the Peoples Anti-Somocista Tribunals (TPA's) and the Sandinista police courts. The TPA's are entities within the executive branch (Interior Ministry). The TPA process theoretically functions as follows: once a complaint is filed, the detainee has two days in which to file a response. This initial period is followed by an investigative period of at least eight days, but the investigation may be extended indefinitely. Following the conclusion of the investigation the TPA has 3 days (or 10 if the defendant is not incarcerated), to pronounce sentence. There is a right of appeal only to the TPA Court of Appeals, composed of judges drawn from the same pool of people who staff the TPA. Sentences range from 3 to 30 years. Thus, the tribunals operate outside the conventional judicial system, and the defendant has no right to appeal to the regular judiciary. The members of the tribunals are selected on the basis of their leadership roles in Sandinista organizations and only one member of the three-judge panel is required to be a lawyer. Persons tried in these tribunals technically have the right to counsel and to introduce evidence, but highly expedited procedures and the use of flexible evidentiary standards severely diminish the exercise of these rights. The proceedings of the TPA's are in theory open to the public, but in most cases attendance is restricted. Trials have reportedly been scheduled with little or no advance notice, limiting opportunities for the accused to prepare his defense. Legal counsel to TPA defendants are frequently not advised of their clients' appearances before the court. Prisoners often spend further months "under investigation," even though they may have confessed, before being brought suddenly to trial. Since all special tribunal cases are tried in one court in Managua, it is often impossible for witnesses who live in other areas of the country to attend trials on time.

The TPA's became increasingly active in 1985 and according to government figures, as of October 31, 995 defendants had been processed through the tribunals since the TPA's were incepted on June 6, 1983. CPDH maintains that the number of TPA cases is much higher, with hundreds of cases remaining in pending status. The conviction rate of the TPA's is 90 percent, and

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these tribunals are known for arbitrary actions. In one case a prisoner was sentenced to seven years, and upon appealing to another tribunal, was sentenced to an additional eight years, reportedly for having made recourse to the services of CPDH. Although the TPA's were established to try subversives and counterrevolutionaries, one case sent to the TPA in 1985 involved two young Social Democratic Party members, Luis Mora Sanchez and Mauricio Membreno Gaitan, who were arrested because they participated in welcoming activities for the return to Nicaragua of newly-invested Cardinal Obando y Bravo. Arrested on June 15, the two were investigated during detention (which was incommunicado for Membreno) for over a month before being tried in late July. As of early December, they remained incarcerated, but had not been sentenced. According to the 1985 Lawyers' Committee for International Human Rights study of Nicaragua's judicial system, "both the formal structure and mode of the operation of these tribunals undermine the basic due process rights of Nicaraguan citizens."

The Sandinista police courts also fall under the jurisdiction of the Ministry of Interior, and so work within the confines of a military, not judicial, bureaucracy. Court procedures, which are not always adhered to, provide that police courts have seven days following arrest in which to conclude their proceedings. Within 24 hours of arrest, the police must make a probable cause determination, upon which the defendant will be set free or provisionally detained pending investigation. Investigation should not take more than five days. At the end of the investigation, the police have 24 hours either to remit the detainee to the civilian courts or to impose sentence for an offense that falls within "police tribunal jurisdiction," which can include "insulting authority," "cultivation, possession or distribution of marijuana," and undefined "economic crimes," such as violations of price controls, and black marketeering. The judges (Sandinista police officers) enjoy wide latitude: at the end of their investigations they may, at their discretion, remit detainees to the civilian courts or sentence them to up to two years in jail. Thus, a person who is brought before a police tribunal may, within a few days, be sentenced to two years without right to appeal. The Lawyers' Committee for International Human Rights condemned the 1900 Law of Judicial Functions of the Sandinista police as "a particularly disturbing assault on the right to be tried by an independent tribunal." CPDH maintains that police courts have condemned several opposition leaders on trumped-up charges for purely political reasons.

The Government claims it has no political prisoners, though it admits to holding about 5,000 prisoners, including some 2,000 former National Guardsmen, plus other people convicted of counterrevolutionary subversive activities. CPDH conservatively estimates that the political prisoner total, including National Guardsmen who were convicted without due process, is between 7,500 and 10,000, with approximately 700 to 1,000 of that number being held at any one time for investigation in State Security prisons. The ICRC estimate of numbers of political prisoners falls within this range of 7,500-10,000.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

On October 15, the Government suspended Article 18 of the Statute of Rights and Guarantees of Nicaraguans, which states

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that "no person will be subject to arbitrary or illegal interference affecting his private life, his family, his home, his correspondence or his communications." Thus, with no legal requirement for a search warrant, police and state security officials regularly enter and search private residences, particularly those belonging to political opposition figures. The Government opens private mail and intercepts both incoming and outgoing international mail, taps telephone lines, and inspects the baggage and personal effects of both arriving and departing international travelers to confiscate items of literature including newspapers, films or tape recordings alleged to be subversive, as well as some religious materials that originate abroad.

The Government has developed an elaborate and effective security and intelligence network, employing both the security forces and Sandinista party organizations, particularly the "Sandinista Defense Committees (CDS's)," to ferret out dissidents and suspected subversives. The CDS's, based on Cuban model block committees, are organized in most neighborhoods throughout the country. The CDS central office serves as headquarters for a network of informers and as an instrument of pervasive political control and intimidation--they are self-described as the "eyes and ears of the revolution." Participation in the CDS is supposed to be voluntary, but they employ many methods to entice or pressure individuals into joining, including committee control over the distribution of ration cards for the purchase of basic products such as rice, beans, and soap. In 1985, access to public health care, public records, and the right to employment often depended upon a letter of recommendation from a local CDS. While many people who do not participate in Sandinista party activities suffer no ill effects, others are disdained as politically suspect or are denounced by Sandinista activists as subversives--for example, if they refuse to perform CDS neighborhood night guard duty known as "revolutionary vigilance." People who criticize the "revolutionary process" or its leadership may be subjected to pressure ranging from public ridicule and defacement of their homes to loss of employment and even detention.

CPDH has credible reports that under-age Nicaraguan males have been impressed into military service, including boys as young as twelve years old. A riot broke out in the small town of Nagarote in January 1985 as the citizenry resisted mass round-ups of youths by government troops, who forced their way into homes and public places.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Government intensified its policy of prior censorship and practice of harassment against the private and electronic media in 1985. Since 1982, the only independent newspaper, La Prensa, has suffered widespread censorship of new materials and editorials. The two other newspapers, both supported by the Government, at times publish the same items that have been censored from La Prensa. The distribution of newsprint to all three newspapers is controlled by the Government, which limits the number of pages per week they may publish. Many small publications not aligned directly with the Government were forced to cease publication because of their inability to obtain newsprint. Though a July 19, 1984, decree proclaimed

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that censorship would affect only matters of national security, censorship in fact continued on internal political matters, economic problems, Church affairs, human rights and many other non-security issues. Censorship of La Prensa continued to be capricious and increased sharply by the end of the year. La Prensa editors estimated that in 1985, before the October 15 decree, 40 percent of the news coverage was censored; after the decree, the share regularly censored increased to approximately 80 percent. The paper had failed to publish eight times as of December 5, 1985. The Government also banned private and internal publications not for sale to the general public of organizations which had not first received permission to publish nor agreed to submit to prior censorship.

In early October, the Government told the Church that its planned newspaper, La Iglesia, would have to be registered with the Ministry of Interior's Directorate of Media Communications. The Church feared the request was a prelude to prior censorship, which the Church has consistently resisted. On October 12, the first issue of La Iglesia was printed. A delivery truck carrying copies to various churches was stopped by police and the driver forced to retrace his route, picking up already distributed copies of the newspaper. Later, armed men went to the Church's office and confiscated the remaining copies and printing equipment. When the Church attempted to register La Iglesia, the request to publish was denied.

On October 22, the Ministry of Interior issued a notice that all communications media and printing facilities must register with the Ministry of Interior. A literary magazine was confiscated prior to that date, and an opposition political party was told the party could no longer print and distribute its monthly newsletter without prior censorship. Several La Prensa journalists and most of the people involved with the publication of the Catholic paper were detained in El Chipote for interrogation, during which they were charged with involvement in "subversive" activities: one of La Iglesia's staff members, a foreign-born resident, was deported. Government security agents also harassed La Prensa distributors in areas outside of Managua, forcing a number to cease operations. In September, a small private publishing house was occupied by State Security forces and its owner jailed, reportedly for agreeing to print a private sector pamphlet. In November, the Ministry of Interior informed the independent human rights commission, CPDH, that all its publications, communiques and letters would be subject to prior censorship.

The Government owns two-thirds of the radio stations in the country. Production and broadcast of news programs are tightly controlled. Since 1982, 21 independent radio news programs have gone off the air because of excessive censorship. All radio programming, including commentary, names of music selections, and sponsors, must be submitted to the censors in advance. In the case of the two independent religious radio stations, one Protestant and one Catholic, the censors have, for example, found verses from the Bible and messages from the Pope and other religious leaders objectionable. Live transmissions on radio or television of Masses are prohibited, and the Government repeatedly threatened to close the "Radio Catolica" station and to confiscate its offices and equipment if the station failed to

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follow censorship orders. In 1982, the Ministry of Interior closed the station for 15 days for failure to abide by its censorship orders. In 1985, the Ministry of Interior twice raided the station to terminate transmission of Cardinal Obando's Masses, on one occasion despite previous assurances from Minister of Interior Tomas Borge that the Mass could be broadcast. On October 30, the station was closed for 48 hours as punishment for the broadcast of an unapproved homily by the Cardinal. On January 1, 1986 the Government announced that the station had been closed down by the Ministry of Interior because it had failed to join a national radio network in broadcasting President Daniel Ortega's end-of-year message. Both public statements by Government officials and the wording of the official announcement, which referred to the closure rather than suspension of Radio Catolica suggest that the shut-down may be permanent.

Both existing television channels are state-owned and managed by the "Sandinista System" (SSTV). Their daily news programs, "Sandinista News," are identical, and the content of the programming is indisputably partisan.

The Government also has stymied individual freedom of expression through selective persecution--the case of the torture of the Catholic Parents Association president for criticizing the state-enforced Sandinista patriotic education curriculum in religious schools is only one example. Non-programmed, critical questions or comments at government town meetings may subject the speaker to imprisonment or worse, according to cases on file with CPDH. There were detentions in retaliation for verbal expressions of private views or participation in public events and for the purpose of interrogation and intimidation on political subjects--political party and church links, contacts with foreign embassies, views expressed by priests, employment by foreign missions, support from foreign labor political groups, and so forth.

While there is no censorship of domestic or imported books, few books from the West are on sale in Nicaraguan book stores. Most books are subsidized and book stores are stocked largely with publications from Communist countries. The Government's imposition of "curriculum rationalization and coordination" on the two Nicaraguan universities has limited their autonomy in developing their curricula and has further circumscribed academic freedom. The Ministry of Education has imposed curricula with a strong ideological content on primary and secondary schools as well. Also, the Sandinista Youth organization is a pervasive influence in the public education system; it has reportedly paid for some members' tuition in private schools in order to have the organization represented there. Sandinista Youth members allegedly have denounced teachers for not supporting the Government.

b. Freedom of Peaceful Assembly and Association

On October 15, 1985, an official decree suspended many legal rights and guarantees including the right to "associate oneself freely with others for legal purposes;" the right to "found and promote regular, commercial, rural, etc., organizations and labor or professional organizations;" the right of unions to form federations and national confederations; and the right of these to form international union organizations or to affiliate with them. The right to

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strike was suspended simultaneously.

Before the October 15 decree, rights to associate and to establish organizations existed in theory but were limited in two ways: by a government requirement that all organizations have approved legal status (*personeria juridica*), and by government refusal to grant such status to organizations which it disdained. At least one professional organization, one political party, and a Protestant ministers' association applied for such status, but were refused. The application of an independent labor union has been pending for several years. These organizations therefore remain technically illegal, as do all their activities.

Prior to the October 15 decree, the right to assemble physically in one place existed in theory and was often respected. The Government sometimes made it impossible to assemble in desired locations, however, by refusing to rent space for private sector gatherings and to religious groups; by refusing permits for peaceful marches, reportedly by asking private theater owners not to rent to certain groups for specific meetings; and by ordering bus companies not to transport attendees. On May 1, police forcibly halted Confederation of Labor Unification members who planned to walk from a church where they had attended Mass to the site of Luis Medrano's assassination by the National Guard. Government officials publicly interpreted the October 15 suspension of the right to associate physically as a ban only on outdoor gatherings for which permits had not been granted. In one case, a dozen members of a committee which organized the celebration of Mass by the Cardinal in Chinandega in November were arrested because an unauthorized outdoor procession occurred there prior to the Mass. In September, the organizers of a private celebration were summoned and warned to cancel the festivities, and were held under house arrest on the day of the event. In December, five hundred persons invited to attend a graduation of private development trainees were also turned away by the police. Large outdoor assemblies by government-sponsored or favored groups, however, are routine during national holidays, Sandinista and Communist party anniversaries, and so forth.

Seven major labor confederations operate in Nicaragua. The two largest are linked directly to the FSLN: the Sandinista Workers Central (CST) and the Rural Workers Association (ATC). Three others are Marxist organizations with ties to Nicaragua's various Communist parties (the Independent General Confederation of Workers, with approximately 1600 members; the Confederation of Labor Action and Unity, with approximately 2600 members; and the Workers' Front, a marginal organization the membership of which is unknown.) Of the remaining two independent confederations, one is affiliated with the Christian Social Party (the Nicaraguan Workers' Central with approximately 3200 members) and the other, democratically-oriented, has no party affiliation. The CST is the FSLN's umbrella confederation for mostly non-agricultural workers, and with over 45,000 members is the country's largest labor confederation. The ATC is a farm labor confederation with over 35,000 members. According to ATC officials, however, the figure does not include more than 100,000 seasonal workers.

In addition to the large labor confederations, the Sandinistas also control most of the smaller labor unions representing

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various worker groups, such as teachers, health workers, journalists, and government employees. As is the case with the confederations, however, these labor organizations represent the interests of the Government, rather than those of the workers. Union officials thus act to ensure compliance with various Government decrees and regulations, encouraging strict labor discipline, inhibiting the normal demands for wage and benefit improvements, and discouraging strikes.

Despite these efforts, the worsening economic situation in 1985 led to increasing labor dissatisfaction among both the FSLN-affiliated and independent labor organizations. This unrest most often was expressed in short-lived wildcat strikes, which in every instance were put down through the use of the police and generally brief arrests of activists and leaders. While prior to the October 15 decree the right to strike existed in theory, in practice strikes were not tolerated. In June of 1985, for example, workers in the Ernesto Chamorro Soap Factory in Granada called a wildcat strike when the Government suspended payment in kind (the augmentation of workers' salaries by providing them with goods produced). The Government's reaction to the strike was first to ask the workers to return to their jobs, because it was the duty of all workers to support the revolution, especially while the country was at war. When the workers refused to comply, police were used to break up the strike and force the workers back to the job. Several workers were detained briefly.

Some arrests, however, involved much longer detention. Alejandro Solorzano, International Affairs Secretary of the Independent General Confederation of Workers, was arrested on October 15 and remains imprisoned. Solorzano has been charged, according to Interior Minister Tomas Borge, with "actions contrary to the methods used in a revolutionary country." Other actions against the independent union organizations included an armed raid of Independent Confederation of Workers of Nicaragua headquarters, in which State Security agents confiscated all union papers and documents and arrested Board members Augustin Rodriguez, Sergio Roa, and Eugenio Membreno. The three men were released following six hours of interrogation.

There have been no reported strikes since the State of Emergency was decreed in October.

c. Freedom of Religion

An estimated 80 percent of the Nicaraguan population is Catholic, and Catholicism and other religions are legal. Throughout most of the year, church services were not interfered with, but Catholic Radio and Radio Waves of Light (an evangelical station) were required to tape and transcribe Masses, sermons and religious services to be broadcast and to submit them for prior censorship.

Relations between the Government and the Catholic hierarchy and some Protestant churches have been strained for the past several years, but a new deterioration in relations between the Catholic Church and the Government began in the early summer of 1985 with the elevation of Archbishop Obando y Bravo to Cardinal. Hundreds of thousands of Nicaraguans poured into the streets to welcome the Cardinal in June when he returned from Rome. Two events marred the ceremonies. Police applied a water cannon to a group of faithful trying to enter the

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airport grounds to greet the Cardinal as he stepped off the airplane. Because of their participation in the welcoming ceremonies, eight young men were subsequently detained. Six were released after a few days, including one young man who admitted that he had shouted "Nine Get Out," a reference to the Sandinista National Directorate of nine comandantes; two were still detained as of December and were tried by the TPA for crimes against the state. Tensions diminished slightly between June and August, but in September the Government stepped up pressure on the Church. On September 12 and 25, Interior Ministry agents raided the Catholic Radio station, terminating transmissions of the Cardinal's homilies. The Ministry of Interior's response to the Church's protests of the incidents was to reiterate the necessity for submitting taped and transcribed homilies for prior censorship. The Government's position was underscored on October 30, when Catholic Radio was closed by official order for 48 hours for broadcast of an unapproved homily. On January 1, 1986, the Ministry of Interior closed the station again.

The Government also violated an informal agreement with the Church exempting seminarians from military service; during the month of September six seminarians from Granada and five from the Chontales area had been conscripted. Church efforts to secure their release have not been successful. Fifteen foreign priests working in the Rivas-Granada area involved in protesting the conscriptions were called before immigration authorities on October 1 and warned that if they did not desist from "political activities" they would be deported. The Church protested those threats, but again there was no response from the Government.

On October 15, security officials forced their way into the Church's Social Services offices, threatening, photographing, and eventually expelling the workers from the premises. State Security agents declared the office "officially occupied" and denied entry to all Church officials, including the Cardinal.

In November, the Ministry of Interior notified Cardinal Obando y Bravo that he must obtain the permission of the Government before traveling outside Managua to celebrate mass. The Cardinal's popular outdoor masses have been banned, and worshippers were prevented from entering some towns where he was holding services.

Government pressure on evangelicals was also stepped up during 1985. In early May, Oklahoma-based evangelist Larry Jones accepted an invitation to come to Managua, participate in a crusade, and distribute food through his "Feed the Children" campaign. Although Jones obtained personal assurances from President Daniel Ortega that he could hold his crusade and distribute six truck-loads of food through participating churches, the Government confiscated the food during the customs process. After lengthy negotiations, the Government returned four of the six loads, keeping two for its own use. The Government told Jones the confiscated food would be used to feed persons relocated under the government's resettlement plan, but it provided no evidence that the food was actually used for that purpose. On September 29, activities sponsored by a number of evangelical churches were disrupted by Sandinista mobs (turbas divinas). On October 30, State Security began rounding up leaders and youth activists from such groups as Campus Crusade for Christ, the First Evangelical Church of Central America, the National Council of

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Nicaraguan Evangelical Pastors, the Alliance for Children, and the Nicaraguan Bible Society. These men and women were subjected to abusive treatment. Some were forced to strip and wait for long periods in dark, cold cells, before interrogation. All were released from detention after periods ranging from one to ten days. One of the evangelicals, the Rev. Boanerges Mendoza, was rearrested and held for ten days because he discussed his first detention. Another evangelical, Dr. Jimmy Hassan, chose to leave Nicaragua for exile because of the threats made against him and his family.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration and Repatriation

The October 15, 1985 state of emergency decree suspended freedom of travel throughout the country. The new restriction has, so far, been used against several thousand Catholic worshippers, who were prevented from attending two special masses given by the Nicaraguan Cardinal and against some opponents of the regime. It has not greatly affected routine travel, although security checkpoints are now numerous in all regions except the Pacific. The Government requires exit visas for departure from Nicaragua for both Nicaraguan citizens and resident foreigners. Opposition leaders still experience difficulty in obtaining exit visas. In August of 1985, the Government responded to the flight of medical doctors by requiring them to obtain permission from Ministry of Health regional directors before applying for exit visas. Other Nicaraguans with specialized skills, such as some refinery workers, must also obtain prior permission. Draft-age males cannot obtain exit visas without proof that they have registered for military service. Foreign travel remains difficult for most Nicaraguans because the Government controls access to hard currency and limits to US\$1,000 the amount that may be taken out. Nicaraguans wishing to drive their cars out of the country also must post bonds which equal half the current value of the cars. The Government continues to confiscate the property of Nicaraguans who remain out of the country for periods of six months or more.

During 1985, thousands more Nicaraguans left the country. The Governments of Honduras and Costa Rica estimate the number of Nicaraguans in those countries at around 200,000, with another 200,000-250,000 in the United States, Mexico, and other Latin American countries, although the number granted refugee status is considerably smaller. Continued fighting and conscription, military induction of men up to age 40 for reserve units, and deteriorating economic and political conditions generate large outflows to neighboring countries. Nicaraguans who have fled the country and then choose to return appear not to face penalties. The UN reports that 750 people have been repatriated since January of 1985; the Government claims over 1,500.

In late 1981 and early 1982, the Government forcibly relocated about 10,000 Miskito Indians from their homelands to distant resettlement camps. In 1983, group political executions of East Coast Miskito Indians by the Sandinista military and security forces were condemned by the International League for Human Rights, and in reports made to the U.S. Congress, the OAS and the Indian Law Resource Center by Miskito Indian expert, Berkeley Professor Bernard Nietschman. The New York Times has estimated that approximately 800 Indian civilians were killed by the Sandinista Government. In an effort to

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mend relations with the Miskito Indians and to appease outraged international human rights organizations, the Sandinista government in 1985 publicly acknowledged its "past errors" and is now attempting to return Miskitos, earlier forcibly moved to relocation camps, to their homelands near the Rio Coco. A government program to resettle Miskitos who had fled to Honduras has brought back another 5,000 persons to the Rio Coco area.

On March 10, 1985, President Daniel Ortega announced that the Government would begin new forced evacuation of thousands of peasants from the northern countryside. He then stated that 7,000 families would be affected. The head of the government social service agency later estimated that 50,000 people would be moved in 1985, as part of a program that could affect 200,000-250,000 people. According to Sandinista officials, the purpose of the program was twofold: to deprive resistance forces of local support by removing from war zones relatives and neighbors sympathetic to them, and to create "free-fire zones," where the Sandinista People's Army could operate freely. CPDH believes another objective of the forced relocations is to create new dependence on the Government -- resettlement camps in which the inhabitants must accept government indoctrination and policies in order to survive. The Government describes those relocated as "displaced peasant families" who mobilized themselves in response to resistance forces attacks, seeking Sandinista government protection. Many peasants, nonetheless, report that Sandinista troops arrived in their towns and ordered the inhabitants to leave within 24 hours or less. In the northern town of Limay, evacuees and relief officers reported that homes of peasants were burned and animals killed to prevent people from returning. One evacuation official claimed that some people had been evacuated only because they had relatives with the resistance forces and that others had been ordered to leave because the Government had told them that they wanted to bomb their area.

Nicaragua has received more than 20,000 displaced persons since 1979, most of them from El Salvador. This figure also includes Colombians, Uruguayans, Chileans and Argentines. The UNHCR gave material assistance to displaced persons in Nicaragua, most of whom are Salvadorans. The Nicaraguan Government works closely with the UNHCR to integrate these people into society, and many no longer receive assistance. Of the 1,532 persons aided by the UNHCR in 1985, about 500 had been integrated, and assistance to them ceased by year's end. As of September 1985, 14 Argentines, 430 Salvadorans, 18 Chileans, 10 Colombians, and 52 Uruguayans had been repatriated. No displaced persons have been forcibly repatriated, although a number of Iranians attempting to enter Nicaragua from Costa Rica were deported back to their point of departure in Europe.

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

A fundamental ideological conflict exists between the right of Nicaraguans generally to effect political change and the Sandinista Front's asserted right to rule, derived from its self-defined Marxist-Leninist role as the "vanguard party" of the people. From 1979 to 1984, the Front's National Directorate ruled through a junta of government, a council of state, and cabinet ministries. The Sandinistas always had a

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monopoly of force, and with that they increasingly dominated both executive and legislative functions. The November 1984 election of president, vice president, and National Assembly did not diminish their domination. It merely permitted a small minority composed of other parties to have formal, if ineffectual, roles in the legislative process. The Sandinista Directorate controls the Assembly through its majority of seats and its president, who is a member of the Front's National Directorate.

The Sandinistas have been even more jealous of power in the executive branch. All major appointments are of Sandinistas or their collaborators, and all policy decisions are made by Sandinistas. The statutes adopted by the National Assembly in April 1985 recognize that major decision-making authority lies with the executive. The National Assembly, which serves as a legislative body and the constitutional drafting institution, has no authority to involve itself in foreign policy, international agreements, or the budget. Moreover, during a state of emergency, the statutes provide that all legislative functions accrue to the President. That provision, however, has never been implemented.

Thirteen political parties exist in Nicaragua. There are a few small ones which do not normally criticize the Sandinistas. Government treatment of the others in 1985 reflected the Sandinistas' Marxist-Leninist assertion of the right to rule and extreme sensitivity to those who dispute it. In 1985 there were detentions of opposition activists of the Independent Liberal, Social Democratic, Liberal Constitutionalist, Social Christian, and Conservative (PCN) Parties; a complete prohibition on opposition demonstrations and parades; censorship of mass media to prevent even the mention of certain opposition parties; newly-imposed prior censorship of all written material distributed by all parties; interference with some parties' attempts to rent meeting halls; and personal intimidation of some party leaders at homes and offices.

The foregoing forms of repression, along with uncertainties created by a general suspension of civil and political rights in October, were clearly designed to dampen the desires of opponents to maintain viable independent parties. The suspension of rights left no citizen with legal freedom to travel in the country, communicate in writing, organize groups, assemble peacefully, or be free from disruptions to home, family, correspondence and other communications. Though prevented from striking back publicly in any effective way, all opposition parties issued statements condemning the suspension of rights. Even those parties in the National Assembly, other than the FSLN, voted against or walked out on the Sandinistas' proposal for ratification of the decree abolishing rights.

In addition to acquiring political party and governmental power, the Sandinistas have attempted to displace or frustrate independent civic and political pressure groups in order to achieve a monopoly of those also. Virtually every independent labor, professional, civic, commercial, and agricultural pressure group has its Sandinista-created counterpart, which is reportedly government-funded and always promoted publicly by the pro-Sandinista mass media. Formation of Sandinista parallel organizations for traditional groups appears to be the other side of a strategy of limiting the influence of

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independent groups by restricting their rights. Creation of competing organizations indirectly reduces the power of citizens to effect changes in government policies. In addition, the creation of Sandinista Defense Committees in urban areas at the neighborhood and block levels has tended to preempt or discourage the formation of community-based pressure groups. Would-be organizers of such groups are accused of anti-revolutionary sentiments and ostracized for trying to bypass the Sandinista Defense Committees, the ruling party's chosen instrument for grass-roots social change.

The small number of elected officials in Nicaragua also limits citizens' access to those who might be responsive to pressures for change in Government or government policies. There are no elected municipal, departmental, or regional officials. There are less than 100 elected officials in the Government. Municipal elections have been discussed publicly by government officials, but none was scheduled as of late 1985.

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

The Government has not been forthcoming on investigations of alleged violations of human rights which were to be carried out independently of the Government. The independent human rights organization, the Permanent Commission on Human Rights (CPDH), an organization founded in 1977 to focus the world's attention on human rights violations by the Somoza regime, has been consistently frustrated in its efforts to do its job. In the most serious attempt to bring CPDH activities under state control, in November the Ministry of Interior ordered that all documents prepared by the organization be submitted to the Ministry for prior censorship.

Although a few non-governmental organizations have been allowed to enter the country to observe human rights conditions, these visits have been closely structured by the Government to expose the groups only to information and situations beneficial to the Government. This strategy of deception has been detailed by Alvaro Baldizon, who related that the efforts made to disinform include the careful preparation of places intended for visits. Such preparation includes the seclusion and even arrest of persons whose views toward the Government are known or suspected to be negative, and the placement of others--usually members of the Ministry of Interior--to act as "local residents" for the benefit of the visitors. According to Baldizon, security agents pretending to be journalists, photographers, or relatives of actual local residents frequently join the visiting group and act to steer the groups to particular places or persons, and to assist in the development of an itinerary. Such agents constitute what the Ministry terms "casual encounter" teams. Not only does the control of access to the public ensure the promotion of a positive image of the Government's policies and actions, it also provides a channel through which false information can be disseminated concerning alleged brutalities by the armed resistance.

The offices of Peace and Justice, the newly-formed human rights investigatory arm of the Catholic Church, have been occupied by security forces.

The umbrella group for the armed resistance, the United Nicaraguan Opposition (UNO), has formed its own human rights

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organization which is charged with the education of troops on their obligations under the Geneva Conventions, the American Human Rights Convention, and UNO's own Code of Conduct; the maintenance of records on abuses by its own forces and those of the Sandinistas; and the prosecution of UNO troops accused of abuses. According to UNO records, 21 individuals were so prosecuted between May and November, of whom 19 were found guilty and sentenced, and two were acquitted. The offenses involved theft, espionage, drug use, rape, and murder.

Amnesty International Report 1985, which covers events in 1984, expressed concern over detention of prisoners of conscience, primarily trade union and political party activists; unfair trials of political prisoners; and incommunicado detention before political prisoners were brought before the courts. Freedom House rates Nicaragua "partly free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Nicaragua had a population growth rate of about 3.0 percent in 1985. The present population of the country is 3.23 million people. Per capita gross income dropped sharply in 1984 and 1985, as a result of inflation and a fall in the value of the cordoba.

The Nicaraguan economy experienced negative growth in 1984 and indications are that 1985 was worse. Inflation rose to an annual rate of over 200 percent. Private investment in the economy has virtually ceased, and government investment has been restricted to projects related to the war effort. Export values dropped in 1984 to US\$393 million and to US\$300 million or less for 1985. Import values were maintained at high levels as the Government continued to rely heavily on imported raw materials. Trade sanctions imposed by the U.S. in May 1985 have had an impact on the economy, but have affected private industry more than the government-controlled sectors; the Government had already begun a shift away from the United States to other, more friendly markets for its exports. Hard currency shortages have restricted imports, and the Government has begun to rely on donations of insecticides, fertilizers, and other vital inputs. Since May 1985, that trend has accelerated.

Serious economic mismanagement, trade difficulties, and armed opposition activity all contributed to Nicaragua's economic woes in 1985. Although the private sector accounts for roughly 60 percent of gross domestic product, it is closely controlled by government regulation of all sales, distribution, prices, bank credits, and foreign trade. The Government has responded to economic problems by increasing, rather than decreasing, its degree of control over production and marketing processes--a solution that has further stifled private investment and initiative, and perpetuated bureaucratic inefficiencies. Despite the Government's proclaimed intention to foster a mixed economy, it has proceeded with confiscations of private property. In many cases, the lands and facilities seized have been taken for blatantly political reasons. One of the most productive coffee farms in Central America was expropriated for "inefficiency" in April 1985. The owner is actively involved in the civic opposition. Seven leading cotton growers lost their lands and production facilities when the Government declared them to be "too big" and asserted the right of

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workers to farm corn and beans on land of their own. The properties given to peasant families and cooperatives come mainly from confiscations. Some are given titles legalizing possession of land (usually in the mountains) already held and farmed by a family, sometimes for generations. Land titles distributed under the Agrarian Reform Program grant the holder the rights outlined in the 1981 Agrarian Reform Act. The law specifically grants right to use only; holders of title cannot sell the land or divide it into parcels. Their children may inherit it, but only as an indivisible unit. In many cases, possession is contingent upon participation in a cooperative, or upon cultivation of a particular crop.

In a June meeting with the country's doctors and health professionals, President Daniel Ortega conceded that the people of the country were not receiving the kind of medical attention they should expect, and he acknowledged that the national health care situation was truly critical. Most public hospitals, though free, are poorly maintained, staffed, and lack equipment. Foreign exchange shortages and war effort priorities in the budget have caused extreme shortages in medicines. East bloc countries have provided and staffed several new health centers and hospitals. The infant mortality rate in 1985 was 69.0 deaths per 1,000 live births. According to government figures, about 91 percent of the urban population and 10 percent of the rural population have access to safe water, but severe water shortages experienced in 1984-85 may have decreased these percentages. The Government reported that 10 percent of the population was on social security rolls in 1984 and the literacy rate had reached 88 percent. Unemployment stayed at about 20 percent, although the character of the work force changed somewhat. Skilled laborers, technicians, and professionals continued to leave Nicaragua, and in many cases there was no one to replace them. Fifty percent of those unemployed in 1984 were agricultural workers, many of whom have left the land to seek greater income in the capital. At the same time, the agricultural sector experienced a serious labor shortage in 1984. Students, office workers, and international volunteers were mobilized to pick coffee and cotton, both vital export crops.

Children under the age of 14 are not permitted to work legally. Ministry of Labor officials, however, admit that the prohibition on child labor is often disregarded in the countryside, where entire families often labor for wages, particularly at harvest time. Under the National Organizational System for Work and Salaries (SNOTS), minimum and maximum salaries have been established for all of Nicaragua's salaried employees working in the public and private sectors. Agricultural workers have not been incorporated into SNOTS, and most are paid on the basis of productivity (e.g., the amount of coffee or cotton picked). For those who labor in the fields daily, however, a minimum wage of 138 cordobas per task (a task is defined as a three to four hour period) plus a daily food allowance of 40 cordobas have been established. Farm laborers may elect to perform two tasks daily, thereby raising their daily wage to 278 cordobas. Workers paid under the SNOTS system also receive an extra month's vacation per annum. Workers may elect, however, to take all or part of their vacation days as salary. As the SNOTS system established maximum as well as minimum wages, collective bargaining was eliminated. However, employers or workers can apply to the Ministry of Labor for permission to

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pay or receive either a one-time or annual bonus. Women are not subject to any special restrictive measures by the Government, and are active at all levels of society and government, other than the highest policy-making bodies. Women serve as officials in both the Sandinista and independent political parties, and a woman serves as the president of one of the Conservative Democratic Party factions. A large number of seats on the Council of States are also filled by women. Participation of women in the military is voluntary.

Conditions for the Miskitos remain poor. Whole villages, infrastructure and crops, previously razed by Sandinistas, have not been restored. Food shortages and malnutrition reportedly continue to exist, and a number of restrictions on movement and ownership have been established. Weather, military activity, and economic restraints have reportedly hampered the government's current project to return the Miskitos to their ancestral homelands, according to local press accounts.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: NICARAGUA

	1983	1984	1985

I.ECON. ASSIST.-TOTAL...	0.0	0.1	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.1	0.0
A.AID	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN \$-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF.AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.1	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.1	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.1	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING.....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG.....	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	0.0	0.1	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.1	0.0

OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1983	1984	1985	1946-85

TOTAL.....	31.3	0.8	0.0	735.2
IBRD	0.0	0.0	0.0	231.1
IFC	0.0	0.0	0.0	9.5
IDA	0.0	0.0	0.0	60.0
IDB	30.7	0.0	0.0	405.4
AOB	0.0	0.0	0.0	0.0
AFOB	0.0	0.0	0.0	0.0
UNDP	0.6	0.5	0.0	23.5
OTHER-UN	0.0	0.3	0.0	5.7
EEC	0.0	0.0	0.0	0.0

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Although Panama has a civilian President, the Panamanian military continues to dominate national politics. Nicolas Ardito Barletta, Panama's first directly elected president in 16 years, was unable to complete a year in office. Under extreme pressure from the country's military leadership and from his own ruling party, he stepped down on September 28; First Vice President Eric Arturo Delvalle became Panama's fifth president in three years.

The belief was widespread that the results of the 1984 elections, in which Barletta was declared the winner by a scant 1,713 votes, were rigged. Barletta failed to forge a national consensus on handling Panama's heavy foreign debt and overcoming its economic recession. Finally, in the aftermath of the September murder of Hugo Spadafora. Barletta was caught between opposition demands for a special inquiry and PDF resistance to the idea by the Panama Defense Forces (PDF)..

Panama continues to be confronted by economic difficulties. It is estimated that 1985 economic growth again will show a per capita decrease. Unemployment continues around twenty percent. The Barletta government had some initial success in attaining a new standby agreement with the International Monetary Fund. However, agreement on a second structural adjustment loan from the World Bank has been delayed by the Government's inability to obtain domestic political agreement on structural economic reforms.

Panama's Constitution guarantees broad individual and civil rights, and in most spheres of life these rights are exercised freely. Opposition media are active, although they allege official harassment, especially of radio and TV. The civil and human rights climate in Panama has been marred by the removal of the elected president and by two violent incidents in which there have been allegations of PDF complicity: the kidnapping and beating of a prominent opposition political figure, and the brutal murder of Spadafora.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

Dr. Hugo Spadafora, a former Vice-Minister of Health and a guerrilla leader, fought in Guinea-Bissau and on both sides in Nicaragua. Spadafora had been a bitter critic of PDF Commander Noriega, whom he accused of involvement in drug traffic. According to his family, Spadafora had planned to return to Panama City from Costa Rica, where he was living, on September 13. He never arrived. The following day a headless body was found in Costa Rica near the Panamanian border. Fingerprints identified it as Spadafora's.

The PDF's immediate public reaction was to deny having any record that Spadafora ever re-entered Panama and to posit that he had been killed by an unknown guerrilla group. However, a report of the Costa Rican Organization for Judicial Investigation states that Spadafora was seen by witnesses entering Panama September 13 and that other witnesses saw him being removed from a bus by a PDF member. These events were also confirmed by several witnesses in Panama, according to a report made public by Panama's Attorney General October 24.

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Opposition leaders and the Spadafora family demanded that an independent commission be appointed to investigate the crime, saying that a regular investigation by the Attorney General would only whitewash the PDF. The Archbishop of Panama and the Papal Nuncio espoused the cause. (In response, the PDF-controlled newspaper Critica warned the Nuncio against "meddling" in Panama's internal affairs.) Numerous professional, business, civic, labor, and political groups also expressed lack of confidence in the official investigation.

President Barletta claimed that he did not have the constitutional right to appoint an investigative body independent of the Attorney General, but a few days prior to his ouster he recommended that the Attorney General consider appointing a special advisory committee. PDF Commander Noriega publicly stated his opposition to the formation of such a committee, and oppositionists charge that this was why he moved against Barletta.

Both Spadafora and Mauro Zuniga, an opposition leader kidnapped the previous month by unknown assailants (see below), had the inscription "F-8" on their backs. This link raises the possibility that some sort of death squad may be operating in Panama. Some speculate that "F-8" is the successor of the infamous Seventh Force, a pro-government squad that was active during the 1984 elections.

b. Disappearance

On August 21, 1985, Dr. Mauro Zuniga, the head of the umbrella opposition group COCINA (National Civil Coordinating Committee), was abducted at gunpoint from a restaurant in Santiago, Veraguas Province. Some hours later, Zuniga was found along the side of the road in the far western Province of Chiriqui, badly beaten but alive. His abductors did not identify themselves or make any demands. The only lead was the inscription "F-8 terrorist" which had been scratched on his back with a ball point pen. The opposition press blamed the PDF intelligence unit for the kidnapping. The PDF promised a full and prompt investigation, but to date there have been no leads or arrests in connection with the case.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits measures that harm the physical, mental, or moral integrity of persons under detention. While opposition sources occasionally complain about the treatment of detainees, there is no indication of widespread or systematic abuse of prisoners.

Overcrowding in Panama's prisons continues to be a major problem. This is attributed to a lack of economic resources. The average population of the Central Men's Prison in Panama City, built in 1925 to accommodate 225, is now well over 700, and most detainees sleep on the floor. Supplemental foodstuffs and other prison services not normally provided may be purchased by those able to afford them. There have been occasional newspaper articles decrying the conditions in the prisons and charging that they constitute a violation of internationally recognized human rights.

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d. Arbitrary Arrest, Detention, or Exile

The Constitution provides for habeas corpus and requires warrants for arrest, except for those arrested while committing a crime. The 1983 amendments to the Constitution strengthened procedural safeguards for arrested individuals. The police must inform an accused person immediately of the reasons for his detention and of his constitutional and legal rights. Failure to make such charges personally to the accused has led to invalidation of sentences.

The Constitution states that a suspect may be detained for no more than 24 hours without being charged and brought before a magistrate. However, on August 8, 1985, Michael Petrovsky, a U.S. citizen, and Pedro Rognoni were detained by the investigative branch of the PDF (the Departamento Nacional de Investigaciones, or DENI) and accused of masterminding an alleged cocaine-smuggling scheme. The lawyer for the two filed a writ of habeas corpus, charging that they had been arrested without a warrant as required by the Constitution, and that the Government had no proof that a crime had been committed since the cocaine had apparently left the country. The Supreme Court denied the writ, ruling that DENI had sufficient, though unspecified, evidence to hold Rognoni and Petrovsky. After two months of detention without charge, Petrovsky was released on October 15, 1985. Rognoni remains in custody.

Some opposition groups have claimed that detainees are held incommunicado for up to a week after arrest before being brought before a magistrate, but there were no confirmed instances of this in 1985. An accused may be held in custody after being charged for as long as it takes to conduct the investigation and bring the case to trial. In some cases, primarily involving people of lower economic classes, pretrial detention has lasted as long as eight months. Such time is credited against any sentence imposed following conviction.

Under Panama's criminal code, a convict may be required to perform labor on public works projects if the sentencing judge so specifies. The prisoner's sentence is reduced by two days for every day spent in such work. This is the only legal provision for compulsory labor.

e. Denial of Fair Public Trial

Persons charged with crimes are presumed innocent until proven guilty and have the right of counsel. The local bar association provides a public defender service for the indigent. The current court process allows for written presentations by the prosecution and defense without the presence of the accused. The documents produced are available for examination by both sides. According to authorities, the burden of proof rests on the prosecutor, but the right to appeal the verdict is available to the prosecution as well as to the defense. A new penal code was enacted in 1983, and a revision of the judicial code is under way. The proposed judicial code mandates public trials based on oral testimony and argument and gives the accused the right to be present.

Panamanian and foreign observers have noted that juvenile delinquents are occasionally tried and incarcerated as adults, especially when they are considered to be hardened criminals. Although the Constitution prohibits self-incrimination, there have been media reports that juveniles and poor people with

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criminal records have been detained and pressured during interrogation to confess to crimes they may not have committed. Other reported practices -- publicly criticized in the Panamanian press by government officials and private citizens -- include summary proceedings and convictions for misdemeanors by "night court" judges without duly prescribed defense counsel. A credible report stated that 251 of the 547 prisoners at the penal island of Coiba had been sentenced by "night court" judges and that all but four had been convicted and sentenced on the same night they were arrested. Many of these prisoners had been given the maximum sentence of one year.

The Supreme Court is chartered to uphold the Constitution and the laws, and magistrates and judges are legally independent. The constitutional article on the judiciary itself was extensively redrafted to help strengthen its independence from the executive branch by making explicit its right to rule on and annul administrative acts. Magistrates are also now barred from simultaneously holding other public office or otherwise participating in politics. However, there are widespread charges that the judiciary is subservient to the PDF. Panamanian opposition groups believe the Spadafora and Zuniga cases have strengthened that view.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Private family life generally is respected. Under the Constitution, judicial warrants must be issued before officials may enter homes.

Both government and opposition media have reported that many government employees are forced to join the political party of the individual who heads the agency in which they work or face dismissal. As cabinet shifts occur, these employees often change political affiliations. There have also been frequent and credible charges that government employees are required to take part in official demonstrations.

Section 2 Respect for Civil and Political Rights, Including:

a. Freedom of Speech and Press

The Constitution guarantees freedom of speech, press, and other forms of communication. There is no interference with academic freedom. The views of government opponents are made known through their speeches, and through the press and radio. The main opposition newspaper, La Prensa, the tabloid Extra, and various radio commentators publicly criticize government programs and policies. Opponents also freely and often vehemently criticize Panamanian civilian and military officials, including the President and the Commander of the PDF. In the context of President Barletta's forced resignation the opposition papers La Prensa and Extra again came under considerable pressure. During the night of September 27-28, PDF intelligence personnel surrounded La Prensa. Nevertheless, La Prensa's normal edition of the 28th was delivered, albeit late. However, the opposition tabloid Extra claims all 7,000 provincial editions of that date were confiscated. The city edition went out without incident.

In the extremely tense atmosphere after the Spadafora murder, opposition columnist Guillermo Sanchez Borbon went into hiding after announcing that military intelligence intended to arrest

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him. His column did not appear for several days. Other opposition press employees have spoken of incidents of intimidation, particularly telephone threats. In mid-October television and radio commentators were warned by a high-ranking member of the PDF not to criticize the military establishment and to reduce or eliminate coverage of the Spadafora case. One opposition commentator permanently canceled his radio broadcast, citing official pressure. In this same period, there were unusual sporadic interruptions of electric power during opposition radio and TV news broadcasts on the occasion of opposition protest demonstrations.

The three newspapers of the ERSA media group are responsive to directives from the PDF and Government. Absent guidance, however, individual columnists write freely about a wide range of topics. ERSA became a center of attention in March of 1985 when the Inter-American Press Association (IAPA), which was holding its annual meeting in Panama at the time, passed a resolution calling for the return of the ERSA papers to their previous owners, who include opposition leader Arnulfo Arias. The papers had been expropriated following the 1968 military coup that led to the rise of the late General Omar Torrijos. Employees of ERSA replied by holding a mock funeral for IAPA, an event that received broad coverage in all three ERSA dailies.

Law 11 of 1978, which allows for the closing of newspapers and the jailing of owners without due process, continues in force despite requests by the opposition media and the Inter-American Press Association that it be repealed.

Opposition groups have experienced serious problems gaining access to the electronic media, with all but one Panamanian television station and over 90 percent of radio stations controlled either by the Government or by pro-government groups. Opposition groups assert that they are unable to acquire radio or television licenses from the Government.

In the course of a particularly bitter election in the banana workers' union of Bocas Del Toro Province in February 1985, the opposition radio station "Ondas Del Caribe" was bombed. No one was charged in the incident. The station was later fined heavily for having hired an illegal Nicaraguan technician. In June 1985 a government station in Bocas Del Toro, Radio Teribe, was severely damaged by arson. Again, no charges have been filed in the case.

There is no censorship of foreign newspapers, magazines, books, or cable television programming.

b. Freedom of Peaceful Assembly and Association

The Constitution guarantees the right of peaceful assembly. Twenty-four hours' advance notice but not government permission is required for open-air meetings. Professional, social and political groups meet without interference in Panama.

Panama has a well-established organized labor movement and a liberal labor code, and union rights are generally respected. Panama has both politically aligned and independent labor organizations. One of the strongest groups is a local of the American Federation of State, County and Municipal Employees (AFSCME), and a second is the regional branch of the National Maritime Union, both AFL-CIO affiliates. Union elections are democratic and generally free from government interference.

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The Government periodically consults with the major labor organizations on a range of public policy issues. Both collective bargaining and strikes are constitutionally guaranteed worker rights, although government regulations restrict or forbid these practices for certain public sector employees. However, the Government appears not to have taken action against public employees of various agencies who struck during 1985. The rights to organize and strike are likewise restricted for employees in the Colon Free Zone and the offshore banking industry, which is a source of concern within the democratic trade union movement internationally.

A controversial issue in 1985 was the perceived need to reform the labor code in order to stimulate investment. No legislative proposals have as yet been publicized, and it is unlikely that any legislation would pass that would adversely affect internationally recognized worker rights.

The PDF has taken strong measures against certain demonstrators. In May 1985, the PDF used riot police and combat-equipped troops to break up a demonstration by residents of two neighborhoods that were to be affected by the construction of a new garbage dump. The riot police reportedly used clubs, rubber hoses and cattle prods indiscriminately, even beating a legislator who represented the area in the Legislative Assembly. The demonstration was broken up when regular troops armed with tear gas, shotguns, and M-16 rifles arrived. The Minister of Government and Justice, the nominal civilian head of the PDF, denied that he had ordered the riot police to attack the demonstrators. He said that the commander on the scene was responsible for taking whatever measures he deemed necessary.

The PDF did not interfere with the funeral of Hugo Spadafora or with a large rally and march led by the Spadafora family and opposition groups October 9 to protest alleged PDF involvement in the murder and to demand a special investigative commission.

c. Freedom of Religion

The Constitution guarantees religious freedom to all, and there is no state religion. There are no restrictions on the free exercise of religious beliefs, including proselytizing, and a broad range of religious groups operates freely in Panama. Religious beliefs are not an issue in any of the national political parties.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution permits Panamanians to move freely within the country and to emigrate, and these rights are honored in practice. It also prohibits compulsory exile and extradition of Panamanian nationals to other countries. Some persons exiled by previous regimes have returned and resumed full participation in Panamanian society. Exiles choosing to remain abroad have been publicly urged to return to Panama. Panama has accepted displaced persons of widely differing ideological persuasions, and hundreds of displaced persons and self-imposed exiles from other countries reside in Panama. Several hundred Salvadorans originally sponsored by the Government of Panama are now supporting themselves in a resettlement village. Perhaps as many as several thousand Cubans are now in Panama awaiting onward emigration; there has been a sharp increase in

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the number of Nicaraguans entering Panama as well. No cases of forcible repatriation of political exiles occurred in 1985.

However, the influx of displaced--and largely disadvantaged--persons from Central America has resulted in newspaper articles warning of a "migration bomb." In August, PDF Commander Noriega pledged that the PDF would do all in its power to close the borders to illegal aliens from Central America.

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

The 1984 general elections, the first direct presidential and legislative elections in 16 years, have continued to be a source of discontent. It is now widely accepted in Panama that Nicolas Ardito Barletta did not win the elections in 1984, but rather that the PDF engineered his victory by tampering with the vote-counting procedures. This perceived lack of legitimacy made it difficult for Barletta to operate effectively. The leading role of the PDF in removing him confirmed the widely-held view that Barletta was not independent of the military establishment.

The circumstances surrounding Barletta's departure call into question the results of the process of transition from military rule to democratic civilian government. On this subject PDF Commander Noriega was quoted by the Spanish paper El Pais as saying, "The Panamanian Defense Forces have a role of guidance toward complete democracy. This is a period of transition. ...We attempted to leap toward full democracy, but that leap did not lie within the scope of national realities."

On the other hand, the Legislative Assembly elected in 1984 is, with a few notable exceptions, a legitimately elected body. There are opposition complaints that the majority Partido Revolucionario Democrático (PRD), which is considered to be controlled by the PDF, consistently manipulates debate and unjustly declares opposition legislators out of order when they try to speak. However, there are numerous occasions when the opposition side of a debate comes through in radio and print media coverage. There have also been a number of sharply split votes, with the PRD winning only by dint of its one-vote margin of absolute majority.

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

The Government has espoused human rights causes in the Organization of American States, the United Nations, and elsewhere. A private human rights committee formed in Panama in 1978 continued to operate freely in 1985 and expressed concern over the local political and human rights situation.

Articles and editorials critical of the PDF's record on human rights and listing specific violations appear frequently in the opposition press, many signed by the members of the human rights committee.

Amnesty International Report 1985, which covers events in 1984, did not mention Panama. Freedom House rates Panama "partly free."

PANAMA

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Panama's total population in 1985 was estimated at 2,180,000; the annual population growth rate rose to 2.1 percent in 1985 (from 1.8 percent in 1984). Real per capita gross domestic product was estimated at \$2,075 in 1984, falling from \$2,120 in 1983.

Recent economic performance has been weak, largely as a result of deteriorating regional and worldwide conditions. Approximately 22 percent of the country's population live in extreme poverty, unable to provide properly for basic necessities. Although a large percentage of the poor is found in rural areas, the trend toward urbanization has increased the number of poor in cities as well. Current estimates of unemployment rise to 20 percent, with estimates as high as 50 percent in the district of San Miguelito and the city of Colon. Infant mortality rose to 24.5 per 1,000 live births in 1985 (from 20.1 in 1984). Life expectancy at birth was 71.4 years in 1985. In 1980, 82 percent of the population had access to safe water (100 percent urban, 65 percent rural). The ratio of calorie supply available for consumption relative to nutritional requirements was calculated at 102 percent in 1977. All children attend grade school; the adjusted primary school enrollment ratio was 113.66 percent in 1982. The overall adult literacy rate was estimated at 87.10 percent in 1980, although the rate in rural areas was put at 61.8, while the urban rate was 93.7.

Panama has a comprehensive and complex labor code which provides liberal benefits to workers. Labor is prohibited for children under 14, or under 15 if the child has not completed primary schooling. All types of hazardous and night work are prohibited for children less than 18 years of age. Children from 12 to 14 are permitted to do farm work or domestic work as long as the work is light and does not interfere with schooling. The maximum work week is 48 hours, and the law requires that substantial bonuses be paid for overtime. The labor code requires compensation sufficient for a decent life for all work performed. The labor code contains extensive and detailed health and safety rules for all places of employment. The Ministry of Labor and Social Welfare attempts to ensure conformity, but its limited resources hamper strict enforcement.

Panama's social system and legal code accord equal treatment to women and men. The Constitution prohibits discrimination on the basis of race, birth, social class, sex, religion, or political views. Women are accorded equal political rights under Panamanian law. Women play an active role in political and governmental affairs, and hold a number of important positions. The 67 members of the new legislature include four women. Of the 134 alternate legislators, 23 are women. Three independent agency heads are women. Women also serve as the president of the ruling party, one of the three members of the electoral tribunal, and the Chief Justice of the Supreme Court. Several women's organizations, such as UNIDAD and Accion Feminina, are active in Panamanian politics. While Panamanian women enjoy full social freedom, they still do not have the same opportunities for advancement as do men. This reflects both traditional bias and the current difficult economic climate. As Panamanian law does not recognize community property, divorced or deserted women can be and on occasion are left destitute.

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Female employment in urban Panama is concentrated in the service sector, where wages are generally lower. Although the constitution mandates equal pay for equal work, wages paid to women are frequently lower than those for equivalent work performed by males and increase at a slower rate. Comparatively fewer women than men participate in the labor force, and their participation seems to fluctuate as the job market expands and contracts. Government statistics showed that in 1978 (the latest available), women made up about 29 percent of the economically active work force. Particularly in the poorer areas such as San Miguelito, many women are heads of households obligated to work for the government, usually as street cleaners, in order to receive government support funds. The labor code gives pregnant employees 12 weeks mandatory maternity leave and the right to return to their jobs.

Panama is a racially mixed country. The traditional monopoly of power by persons of European descent was effectively ended with the ouster of the civilian president by the National Guard in 1968. Blacks, Asians, and mestizos are now active politically, and are represented at senior levels of Government and the Panama Defense Forces, and in the new legislature, where there are also five Indians.

Prominent among the minorities which retain some degree of separate identity are English-speaking Blacks of Antillean descent, Jews, Arabs, Greeks, Chinese, East Indians, and North Americans. All of these groups play roles in Panama's urban economy well out of proportion to their numbers. There is no discrimination in law against these or any other social, religious, or cultural groups, except that naturalized citizens are forbidden to hold certain categories of elected office, and retail trade is constitutionally restricted to native Panamanians. While innumerable exceptions exist, Caucasians, Asians, and mestizos tend to be better off economically and occupy higher positions in Government than Blacks and Indians; however, the latter groups participate fully in both the public and private sectors. Indian tribes receive government assistance, particularly in the areas of public health and welfare, and education. They are not restricted to their tribal areas, but most remain there by choice, reflecting longstanding resistance to assimilation. Indians enjoy full voting rights and all other rights of Panamanian citizenship and are politically active. They play significant roles in the government of four provinces. In October of 1984 President Barletta, in keeping with a campaign promise, named a Kuna Indian Vice Minister of Health, the first time an Indian has held cabinet rank in Panama. He became Vice Minister of Government and Justice (which controls Indian affairs) in the cabinet shuffle following President Barletta's ouster.

Panama's Kuna Indians mostly reside in a self-governing, semi-autonomous district, the comarca of San Blas, established in 1953. The Embera (Choco) Indians, who live in Darien Province, eastern Panama, gained government approval for their own homeland in 1983 when a law was passed establishing their autonomous district or comarca. The Ministry of Government and Justice has completed and passed to the legislature for action a proposed law creating a comarca for the numerous and widely spread Guaymi Indians of western Panama. The Guaymi are reportedly not satisfied with the geographic limits of the proposed comarca, which would encompass an area of mostly poor land on which only one-third of the Guaymi now live; the law is expected to be debated in the Legislative Assembly.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: PANAMA

	1983	1984	1985
I.ECON. ASSIST.-TOTAL...	7.4	12.0	74.5
LOANS.....	3.8	5.0	7.9
GRANTS.....	3.6	7.0	66.6
A.AID	6.3	10.7	74.3
LOANS.....	3.8	5.0	7.9
GRANTS.....	2.5	5.7	66.4
(SEC.SUPP.ASSIST.)...	0.0	0.0	50.0
B.FOOD FOR PEACE.....	1.1	1.3	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.1	1.3	0.1
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN \$-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	1.1	1.3	0.1
E.RELIEF.EC.DEV & WFP.	0.1	0.3	0.1
VOL.RELIEF AGENCY.....	1.0	1.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.1
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.1
II.MIL. ASSIST.-TOTAL...	5.5	13.5	10.6
LOANS.....	5.0	5.0	0.0
GRANTS.....	0.5	8.5	10.6
A.MAP GRANTS.....	0.0	3.0	10.0
B.CREDIT FINANCING.....	5.0	5.0	0.0
C.INTL MIL.ED.TRNG....	0.5	0.5	0.6
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	12.9	25.5	35.1
LOANS.....	8.8	10.0	7.9
GRANTS.....	4.1	15.5	77.2
OTHER US LOANS.....	0.0	0.2	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.2	0.0
ASSISTANCE FROM INTERNATIONAL AGENCIES			
	1983	1984	1985
TOTAL.....	137.7	82.6	137.3
IBRD	35.0	74.2	51.0
IFC	0.0	0.0	37.5
IDA	0.0	0.0	0.0
IOB	52.0	8.4	48.7
AOB	0.0	0.0	0.0
AFDB	0.0	0.0	0.0
UNDP	0.6	0.0	0.0
OTHER-UN	0.1	0.0	0.1
EEC	0.0	0.0	0.0

PARAGUAY

Paraguay has had authoritarian regimes throughout its history. Since 1954, President Alfredo Stroessner has governed Paraguay, ruling through the Colorado Party, the military and police forces, and the government bureaucracy, all of which he dominates. He was elected in 1983 to a seventh term in a controlled election process. The situation in Paraguay continues to be characterized by the subordination of the legislative and judicial branches of government to the executive and by the domination of the nation's political life by the ruling Colorado Party.

Elections are held every five years for the presidency, the national legislature, and for municipal councils. However, the opposition's ability to conduct an effective campaign is severely restricted by the Government, and in practice there is no effective challenge to President Stroessner's authority. In the 1985 municipal elections, the opposition did not win a majority or plurality in any of the country's 190 municipalities.

After a period of rapid economic growth in the late 1970's and early 1980's, Paraguay entered a steep recession. Following two years of decline, an agriculture-led economic recovery commenced in 1984. Economic policies and international prices from Paraguay's exports, however, have not evolved in a manner expected to sustain recovery. The balance of payments remains in a deficit position, and substantial delays on servicing international obligations still pose problems.

There continue to be violations of civil and political liberties, though the number of serious incidents has declined significantly since the mid-1970's. As has been the case almost without interruption since 1929, the State of Siege provision of the Constitution remains in force. Under it, the President may order the detention of any individual without trial for an indefinite period. The police forces regularly arrest and hold persons arbitrarily without due process of law, sometimes citing the State of Siege power and sometimes Paraguay's "anti-subversive" statute or, as was the case in most of the detentions which occurred in 1985, they simply give no rationale. Constitutional guarantees, such as protection of the integrity of the individual, the requirement for judicial warrants, freedom of assembly and association, the right of habeas corpus, and the provision for a prompt and impartial trial, can be ignored by government officials. Although there is no formal system of prior censorship, there are serious unwritten limitations on what the media are free to report and comment upon. Trade union activities are also restricted and, in practice, strikes are not permitted under the State of Siege.

During 1985 the subtle forms of repression such as short periods of arbitrary detention without charges, and efforts to intimidate the media through threats and closings, increased slightly while gross violations such as torture or imprisonment of political opponents declined. Some investigations of torture charges were initiated. The six political prisoners held at the end of 1984 were all released by the end of 1985. The Paraguayan Government became more responsive in international human rights forums to answer and clarify charges against it, and it requested a direct contact mission from the International Labor Organization (ILO) with a view to improving its compliance with international standards.

PARAGUAY

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There were no reported cases in 1985 of killings for political motives by the Government, political parties or other entities.

b. Disappearance

There were no reported disappearance cases in 1985, nor have there been any such reports since 1980.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

In this year as in past years, there have been credible charges of torture and physical abuse by police authorities against prisoners, which have led in some cases to disciplinary actions and in others to denial of the charges. There were nine reports of such mistreatment or violence in 1985. In February, a police commissioner and two police conscripts were charged with the death of a prisoner. They claimed the prisoner committed suicide by hanging himself, but he was found to have died from a blow to the head. In April, a factional political dispute led to the jailing of five ruling Colorado Party members. They charged police officials with having tortured them and the officers were dismissed and charged. In June, in Ypacarai, Benedicto Lopez was detained and held for 14 days during which period he claimed to have been severely beaten. He died ten days after his release, from pneumonia according to local authorities.

Also in June, a domestic employee who was interrogated about a robbery asserted that she had been tortured by electric shock; the police denied the charge. Two other cases were also reported in June where robbery suspects alleged torture. In July, in Concepcion, a prisoner was killed, supposedly while escaping. An investigation resulted in two police officers and two conscripts being charged. Also in July, a navy conscript died in police custody, allegedly from the accidental discharge of his gun. However, his body showed signs of torture. His father's efforts to obtain an investigation have had no apparent effect.

These reports of police violence were atypical in that they appeared in the press. Physical mistreatment of suspects and prisoners by the police is believed to occur frequently. The so-called "investigations police" are widely known for such actions.

In most cases, once formally arraigned, detainees go to regular prison facilities, where conditions are generally better than in police stations. Prisons are austere, especially the maximum security facilities used in more sensitive cases, which are administered directly by the Ministry of the Interior and the Asuncion police. Court and Justice Ministry officials visit the regional prison facilities several times each year to examine conditions and interview prisoners. They do not regularly visit the maximum security facilities, although representatives of the International Committee of the Red Cross are permitted access.

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d. Arbitrary Arrest, Detention and Exile

Detentions are used as a form of warning or punishment for those who criticize the Government or whose political beliefs or activities are deemed to be threatening. Sometimes individuals are picked up by the police, detained in local police stations where they are often held incommunicado and released after a few days, usually without formal charges having been brought. Other detentions may last for weeks.

Some such detentions have been justified by the authorities under the State of Siege provision of the Constitution, which provides that persons may be detained without trial, and that public meetings and demonstrations may be banned, in the event of war, foreign invasion, internal disturbance, or the serious threat of any of these conditions. Despite constitutional requirements that the State of Siege be imposed only for limited periods, in practice it has been in effect almost continuously since 1929. Technically, the State of Siege was lifted outside Asuncion in 1978. In practice, backed by a court ruling that prisoners may be moved to Asuncion and held there, Paraguayan authorities proceed as if the State of Siege were still in force throughout the country.

Implementing legislation called for by the Constitution has never been passed. In the absence of implementing legislation, the Government and Courts take the position that State of Siege restrictions supersede the safeguards on human rights contained elsewhere in the Constitution and legal code. Several prominent legal scholars and the opposition political parties contest this interpretation.

Seventy-two persons were reported publicly to have been arbitrarily detained for political activities in 1985. In these cases the Government occasionally cited Law 209, the "Anti-Subversive" Statute, a loosely worded law which provides for imprisonment of persons who "foment hatred," defame members of the Government, commit a variety of other acts, or are members of the Communist Party. All 72 individuals were released after varying periods of custody.

The detention of two politicians who attended a meeting of their non-recognized opposition party in Itacurubi in April is illustrative. They were detained for seven days without being informed of the reasons for their detention, and their detention was not brought to the attention of a judge, actions which violate specific provisions of the Constitution.

In January, fourteen members of the non-recognized Authentic Radical Liberal Party were arrested for holding a meeting on private property. Twenty-two members of that party were detained in similar circumstances in May. A member of the recognized opposition Febrerista Party was detained without charges for forty-three days at mid-year.

Arbitrary detention has also been used against political exiles who have returned. Over the years many political opponents of the Government have either been forced or have gone voluntarily into exile. In December, 1983, the Interior Minister stated that with the exception of two prominent opposition figures--Domingo Laino and Luis Resck--all exiles would be permitted to return to Paraguay. As a result, a number of political figures, many of whom had been in exile for over twenty years, returned. Prominent among the returnees were

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officials of the Colorado Popular Movement (MOPOCO), a dissident faction of the ruling Colorado Party whose leaders were expelled from Paraguay in 1960. A number of the returnees have been subjected to various forms of harassment, temporary detention, and internal exile by the Government. Four MOPOCO members were detained for over a month each between September and October--all without charges. The Government has not changed its ban on the return of Drs. Laino and Resck or Agosto Roa Bastos, who was added to this list in 1984. In December Roque Ruiz Diaz, one of the six political prisoners released during the year, was sent into exile in Argentina.

In June, Dr. Heriberto Alegre, a respected lawyer, was released after nine months detention without a trial. His arrest reportedly resulted from suspicions that he encouraged landless campesinos to seize land. However, Dr. Alegre was defending the campesinos after the seizure had taken place.

The number of arbitrary detentions in 1985 represents a continuation of the decline in such cases since the mid-1970's when they were counted in the hundreds.

The Paraguayan Labor Code does not permit the practice of forced labor.

e. Denial of Fair Public Trial

Paraguay, like most other Latin American countries, does not have trial by jury. Trials are conducted almost exclusively by presentation of written documents to a judge, who then renders a decision. All judgments are automatically reviewed by an appellate-level judge, and appeals to the Supreme Court are possible. Part of the trial process is open to the public and trials are routinely reported in the press.

In theory numerous safeguards set forth in the Constitution and the Penal Code protect the rights of the individual during the trial process. However, the judiciary has traditionally been subject to extensive influence by the executive branch of the government and by the military. This, together with budgetary and other institutional failings in the judicial system, continues to compromise the ability of an accused person to receive a fair, speedy trial.

Nonetheless, over the past two years a number of changes have been made which many observers credit with having improved the quality and speed of the judicial process. Widespread changes in the personnel of the judiciary system, particularly judges and their clerks, are said to have reduced the amount of corruption. One judge was suspended during 1985 after having been charged with taking a bribe to keep a person out of a narcotics case. However, it is widely acknowledged that the courts still are not independent of the influence of the executive branch in politically sensitive cases.

Six persons considered political prisoners in last year's report had been released by the end of 1985. There were no new political prisoners added during the year. Two individuals whose cases, while involving criminal offenses, appear to have been affected in part by political factors continue to be incarcerated.

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f. Arbitrary Interference With Privacy, Family, Home or Correspondence

Government and security forces do not intervene as a matter of course in the daily life of most citizens. The Constitution provides that, except to prevent the commission of a crime, private homes may not be entered without a judicial warrant.

Nonetheless, some private citizens complain that their right to privacy is being abused by the security authorities. Leaders of the Colorado Popular Movement (MOPOCO) claim that they are followed by the police wherever they go, day and night. They also complain that their telephones are tapped, their private correspondence monitored, and their ability to move about restricted. The police have reportedly told them that they may not meet in groups of more than three, and it is claimed that those whom leaders of the group contact are later questioned. Other opposition figures and critics of the Government have similarly complained about interference with their mail, particularly foreign correspondence, and telephone tapping. Although the police in October 1984 denied the charges made against them by members of the Colorado Popular Movement, it is widely believed that the charges in fact are true. Finally, although publications critical of the Government circulate freely in the country, there continue to be cases in which foreign newspapers, magazines, or books containing material critical of the Government are confiscated at the port of entry.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The closure of Paraguay's most independent and popular newspaper, "ABC Color," in March 1984 was the most serious violation of freedom of the press in many years. Despite broad guarantees in the Constitution of freedom of speech and the press, in practice there are limits to the amount and kinds of criticism which the Government will tolerate. Such things as direct criticism of the President, the military, and key civilian leaders, are usually avoided by the major newspapers, as well as sensitive topics such as defense matters and corruption, human rights, Colorado Party policy and certain government policies such as foreign exchange rates, the State of Siege and public sector investment. It is widely believed that "ABC Color's" continual pressure against these limits was the reason for its closure.

The Government's decision to shut down "ABC Color" was appealed to the Supreme Court which ruled that the Minister of Interior had acted within his powers and in the public interest. Since then the Government has considered the case closed.

A certain measure of press freedom does still exist. The Febrerista Revolutionary Party, one of the recognized opposition parties, publishes a weekly newspaper, "El Pueblo," which has printed strong criticism of the Government and its policies, subjects that daily newspapers shy away from. The Catholic Church publishes a newspaper, "Sendero," which reopened after "ABC Color" was closed and now appears twice a month. It too has printed articles criticizing government policies and actions and touches on subjects which the Government considers sensitive. A new monthly opinion magazine, "Nuestro Tiempo" appeared in July. It is backed by a Roman Catholic Church official and is written largely by former

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"ABC Color" staffers, one of whom was briefly detained by the investigations police shortly after the magazine's debut. This magazine is also being harassed and its most recent editions could not be printed in Paraguay. Copies entering the country from Brazil were seized at the border. The unrecognized Popular Colorado Movement (MOPOCO) publishes a monthly newsletter "Patria Libre," which regularly lambastes the Government. Similarly, the Colorado Party publishes a daily paper which regularly and often shrilly attacks the political opposition. The Government claims that it permits these non-daily newspapers considerable latitude because their political bias is clearly established. Also, these publications have less impact because of their small circulation and less frequent appearance.

The daily papers report activities of the political opposition, both recognized and unrecognized, as well as information on charges of abuse of authority. However, their coverage is not marked by the aggressive investigatory journalism which characterized "ABC Color."

Paraguay's two television stations are both privately owned. Their news programs are carefully self-censored and closely monitored by the Government. They always carry commentary laudatory of the Government, and reporting on the activities of opposition parties is virtually nonexistent.

Two of Asuncion's radio stations, Radio Caritas, which is affiliated with the Catholic Church, and Radio Nanduti, which is privately owned, have been notable for their willingness to broadcast more sensitive items of local news. Radio Nanduti, in particular, has specialized in carrying interviews with politicians of all parties, including those which are not legally recognized, sometimes on sensitive issues. As a result, the station was shut down for ten days in 1985. The station's owner, Humberto Rubin, has received occasional warnings from the authorities about airing the views of "unrecognized" politicians and about giving too much coverage to the closure of "ABC Color". He was detained by the police for 34 hours for allegedly having broadcast "sensationalist disinformation" about a high government official, a charge which he rebutted. The station operates "illegally" in the sense that the Government has refused to accept payment for renewal of the station's license for several years.

b. Freedom of Peaceful Assembly and Association

Despite constitutional guarantees concerning the rights of peaceful assembly and association, these rights are often violated in practice. Under the State of Siege it is technically necessary to obtain permission for any assembly, regardless of purpose, of more than five unrelated persons.

Generally, however, the provision is not applied to organizations which are non-political in nature and is strictly enforced only in the case of gatherings sponsored by opposition political parties or other organizations critical of the Government. For example, a group of opposition Liberal Party members who formed a movement to reunify the various sections of that divided party were denied permits to hold public meetings to give publicity to their movement.

On the other hand, there were occasions when the Government did permit public meetings by those political parties which are not

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legally recognized. For example, the Christian Democratic Party was able to hold the inauguration of a new center for training party members in Asuncion. Similarly, while the police normally do not permit public demonstrations, even peaceful ones, that criticize the Government or its policies, occasionally such events do take place.

Most of the labor unions in Paraguay are members of the Federation of Paraguayan Workers, which claims to represent over 90 percent of organized labor. The Federation is carefully controlled by the Government and does not actively attempt to defend the interests of the Paraguayan work force. The leadership of the Federation, and of most of its member unions, is not freely elected by the membership, but rather is chosen on the basis of acceptability to the Government. Union officials who differ with the Federation's policies are often harassed or fired by their employers, with tacit support of the Government.

Paraguayan workers are not permitted to organize freely. In 1985, a bus drivers union leader, along with other activists, was fired from his job. He was then arbitrarily detained twice during the year for his efforts to organize "solidarity" rallies to pressure for reinstatement. It is virtually impossible to call a legal strike.

There do exist a number of independent unions in Paraguay, several organized at the company level. Some have been strong enough to bargain with management, despite efforts by the private firms--sometimes supported by the Government--to resist their efforts. Some of the independent unions have been granted legal recognition by the Government, but others have not, making it difficult or impossible for them to bargain effectively. The Government is less likely to recognize groups which it perceives to be more independent of its control.

The activities of the independent unions are carefully monitored by the security forces and the Ministry of Labor. Their leaders are often summoned by officials of the police or the Ministry of Labor for questioning and, on occasion, for warnings about those activities of which the Government disapproves.

The Federation of Paraguayan Workers does not maintain ties with any of the public or private international labor organizations. It was expelled from the International Confederation of Free Trade Unions (ICFTU) several years ago. The ICFTU in late 1983 complained that the Government was systematically violating the rights of the Paraguayan working class. Some of the independent labor unions in Paraguay do maintain ties with the International Labor Organization. The ICFTU, in criticizing the Paraguayan Government, has called for greater international support for these independent unions.

An international meeting of the Catholic Action Workers Movement (MOAC), under the sponsorship of the Paraguayan Roman Catholic Church, took place in July. Three Colombian participants were detained by Government authorities and sent out of the country because they were carrying publications of "an eminently subversive nature." The Colombians were also carrying money to defray conference expenses, which they charge was taken from them by authorities. The Government denied this latter charge.

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Another international conference, of ORIT (the ICFTU's Organizacion Regional Interamericana de Trabajadores) affiliated labor leaders, took place in Asuncion sponsored by the Paraguayan free trade union movement, Intersindical. It was criticized in the government media but was not interfered with beyond the presence of the police, who routinely attend all labor meetings.

In the ILO, in June 1985, Paraguay requested a direct contact mission to treat the issue of the application of conventions number 87 (freedom of association) and 98 (right to organize and collective bargaining). These areas of concern deal with the lack of guarantees in Paraguayan law for such rights as collective bargaining, strikes in public sector enterprises, and firing without indemnification or previous notice. The acceptance by Paraguay of the need for a direct contact mission represented a step forward; previously the Government of Paraguay had completely disregarded ILO expressions of concern. The Direct Contact Mission occurred in the fall, and the annual ILO report reflected the Government's position on the cases under review. As a result, the ILO made some recommendations to the Government for more careful future observance of ILO conventions.

c. Freedom of Religion

The Constitution establishes Roman Catholicism as the official state religion, but it also guarantees freedom of conscience for other denominations. With very few exceptions, this freedom is respected. Adherence to a particular creed confers no advantages within Paraguayan society and conversion from one faith to another is permissible. Many denominations conduct their activities freely, and missionaries are, for the most part, permitted to enter the country and proselytize. However, Paraguayan law prohibits the granting of legal status to new religious groups, and a few evangelical churches have been unable to obtain government approval for their operations. The Jehovah's Witnesses lost legal registration in 1979. The church filed an appeal with the Supreme Court, but no action has ever been taken on it. Further, under orders of the Ministry of Education, Jehovah's Witness children have been expelled from school because of their refusal, as a matter of their faith, to salute the national flag or sing the national anthem. Lower courts have found in favor of the children, but the cases have been overturned upon appeal, and the first test case is now before the Supreme Court.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration and Repatriation

The Constitution provides for freedom of movement, which is usually not restricted within the country. Most citizens may enter or leave the country freely. However, members of one unrecognized political group have complained about a police requirement that they report any intention to leave the country 48 hours in advance. In addition, opposition figures and human rights activists continue to complain about difficulties in obtaining passports. Nonetheless, there appear to have been fewer incidents of such restrictions on travel recently, and a number of prominent critics of the Government have traveled to international meetings. Three Paraguayans who live in exile and are not permitted to return despite the 1983 open door policy are Domingo Laino, the former head of the Authentic Radical Liberal Party; Luis Resck, the Vice President of the

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unrecognized Christian Democratic Party; and Agosto Roa Bastos, a leftist who is arguably Paraguay's most famous novelist. Members of the outlawed Paraguayan Communist Party living in exile would likely face imprisonment if they returned. During 1985 the Government used State of Siege powers to relegate three individuals to internal exile.

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

President Stroessner dominates the Paraguayan political system. He rules through the Colorado Party, which administers public patronage, through the military and police forces, which maintain public order and guarantee the security of the regime, and through the governmental bureaucracy. The legislative branch, consisting of a Senate and a Chamber of Deputies, is responsive to the desires of the President on all important matters. The Colorado Party's two-thirds majority in both houses gives it complete control of the legislature. There have been very few occasions under President Stroessner's rule when the legislative branch has rejected government proposals or policy. The legislative branch also automatically includes representatives of the opposition. Their one-third of the seats, divided among the two recognized opposition parties that present candidates, allow them to express their views and criticize the Government. Yet even though they have more seats than they actually have earned in recent elections, they have no real power to affect the workings of the legislature.

General elections are held every five years for the presidency and the two houses of the legislature and were held most recently in 1983. Municipal elections, which were held in 1985, also occur every five years. The law requires that all Paraguayans 18 to 60 years of age vote. However, sanctions for not voting are not usually applied except for public service employees. Two of the three legally recognized opposition parties participate in the electoral process; the third has participated in the past, but it currently declines to do so on the grounds that the Government's control over the political process makes such participation meaningless. In 1985, as in past elections, the absence of some opposition political parties, the system of indirect selection of candidates, and the control of the electoral machinery by the dominant Colorado Party resulted in a seriously flawed election. Secret ballot provisions were frequently abused, votes were counted in many cases without the presence of opposition poll watchers, and the Colorado Party ended up with over 100 percent of the votes of registered voters in some instances.

Access to positions in the government, as well as in the officer ranks of the military and the police, is in practice limited to members of the Colorado Party. Individuals often join the party for economic and social advantages, such as enrollment in the national university or permission to bid on public contracts. At the local level, police and other government officials use their considerable powers and influence to support the Colorado Party. The opposition has yet to be awarded even one municipal election contest among the 190 municipalities of the country.

In addition to the three legally recognized opposition parties, there also exist three political parties which do not enjoy juridical recognition from the Government, and therefore cannot participate in the political process. These parties, the

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Christian Democratic Party, the Authentic Radical Liberal Party, and the Popular Colorado Movement (MOPOCO) are joined with the recognized Febrerista Party in the opposition coalition, the National Accord. The National Accord has as one of its primary tenets nonparticipation in elections until the election process has been opened up. Regardless of their legal status, all the National Accord parties are subject to even greater limitations on their political activities by the authorities than are the recognized opposition parties.

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

The Government describes negative comments about its human rights performance from outside sources as unwarranted interference in Paraguay's internal affairs. Nonetheless, the Government has recently begun to respond to inquiries from organizations such as the United Nations Human Rights Commission and the Inter-American Commission on Human Rights. In 1984 the UNHRC adopted a resolution concerning the impact of the State of Siege in Paraguay. The Paraguayan Government has generally cooperated with the Commission. The Government has never agreed to a long-standing request from the Inter-American Human Rights Commission that it be invited to visit Paraguay.

The most recent visits by private human rights organizations were in 1984, when the Inter-American Press Association and America's Watch each sent missions. They were received and permitted wide access, although not until after initial difficulties which displayed the Paraguayan Government's ambivalence towards such visits. While for the most part willing to allow visits by human rights activists, the Government rejects any suggestion that serious human rights problems exist in Paraguay.

The Government allowed international efforts to determine whether Joseph Mengele, the Nazi war criminal, was still in Paraguay, despite its repeated assertions that Mengele was nowhere in the country. The Government points to the confirmation of Mengele's residence and death in Brazil as indicative that the international media are too ready to believe adverse information concerning Paraguay.

A number of local private organizations continued to be active during 1985 in trying to protect individual liberties. These included the Inter-Faith Committee, which is supported by three church groups, the Paraguayan Human Rights Commission, the Paraguayan Chapter of the Association of Latin American Lawyers for the Defense of Human Rights, and the Union of Paraguayan Women. The opposition political parties and certain of the media also have sought to publicize human rights problems and to express support for a more open and democratic society. These human rights groups have made known cases involving alleged human rights violations and provided legal assistance to individuals. Their efforts have also helped to keep human rights abuses under international scrutiny and to secure the release of a number of detainees. As it is with foreign organizations concerned about human rights problems, the Government is critical of the work of local human rights organizations. Some local human rights activists complain of government harassment, which they attribute to their public criticism of human rights abuses.

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Amnesty International Report 1985, which covers events in 1984, expressed concern about 30 prisoners of conscience, most of whom faced charges under Law 209 which, according to Amnesty International, "has been used increasingly to prosecute people for the peaceful expression of their beliefs." Concern was also expressed about short term arrests under state of siege provisions, as well as legal proceedings in political trials which did not appear to conform to internationally recognized standards. Freedom House rated Paraguay "partly free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Paraguay's population, estimated to be 3.7 million in 1985 and growing at a rate of 3 percent per year, is small in relation to its land area of 157,047 square miles. The relative economic prosperity from the mid-1970's to the early 1980's pushed Paraguay into a middle-income developing country category with a per capita gross domestic product surpassing \$1,000. Agriculture is the most important economic activity, accounting for nearly one-third of gross domestic product, one-half of employment, and over 95 percent of merchandise exports. Probably because of the relative abundance of good land, urban poverty and landlessness -- though on the rise -- are not as apparent in Paraguay as in many other developing countries. Since economic policies and international prices for Paraguay's exports have not evolved in a manner conducive to a sustained recovery, the balance of payments remains in a deficit position, and there are substantial delays on international obligations.

Even though nearly one quarter of the central government budget is devoted to health and education, funds available for social programs are low relative to needs. Users complain that public health and social security funds go to hospital construction and the purchase of sophisticated equipment, while staffing for basic health needs and supplies of medicines are inadequate. Basic health indicators, however, are improving. Life expectancy at birth was 66 years in 1985 and infant mortality was measured at 52.2 per thousand live births, down sharply from 109 in 1972. The population as a whole is judged to have a daily caloric intake approximately 20 percent greater than the minimum daily requirement. In the agrarian-based Paraguayan economy, adequacy of food is seldom a problem, although an imbalanced diet sometimes leads to problems of malnutrition among the poor. Government and private agencies attempt to address the latter problem through stronger home extension services. In 1980, it was estimated that 21 percent of the population--39 percent in urban areas and 10 percent in rural areas--had access to safe drinking water.

Adult literacy was estimated at 80 percent in 1972. Over the years, education has become more widely available so that virtually all children receive some schooling. There are wide disparities, however, in the quality of primary education and the availability of secondary education in rural areas, where it is more difficult to provide services. Whereas nearly two-thirds of urban school children enter the sixth and last year of primary education, little more than a quarter of rural school children do so. The total retention rate from the first to the sixth year of primary education is about 40 percent. Furthermore, although nearly two-thirds of primary school graduates pass on to secondary education, only one-half that number (or about 13% of the population) actually graduate from secondary or intermediate level education.

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The Paraguayan Labor Code contains minimum guarantees of worker rights and benefits. Temporary, public sector and domestic workers are not covered under this law. According to the code, maximum hours are set at eight hours per day or seven hours for night work, with one day of rest per week. A minimum wage is established by the labor authority depending on the type of work and the region, based on studies of the cost of living by the National Economic Coordinating Committee. The law provides for a one month annual bonus. Minors between 15 and 18 years of age may be employed only with parental authorization and cannot be employed in dangerous or unhealthy conditions. Between 12 and 15 years, these same standards apply in addition to the restriction that work be at a family enterprise, an apprenticeship, or an agricultural endeavor. Married women require their husband's consent to enter a labor contract; however labor contracts may not be denied to women who worked prior to marriage. Paid maternity leave of six weeks prior to and after birth is required. Day care centers for children under two years are mandatory for enterprises employing more than fifty women. Severance pay is specified and compensation is provided for in the case of unjustified dismissal. The labor code also governs conditions of safety, hygiene and comfort. Forced labor is not permitted. Finally, all workers must be enrolled in the Social Security Institute. The absence of a strong independent trade union movement, and the slowness of the labor law system to correct abuses, result in the frequent failure to apply the protections of the labor code.

The Constitution guarantees "the equality of civil and political rights" of women, while emphasizing the importance of marriage and the unity of the family. Women play a minor role in the political life of Paraguay. The executive and judicial branches of government have only a few prominent female officials, and there are three women in the 90-member parliament. Several others, including a prominent human rights leader and a municipal council member, enjoy independent political renown. While the traditional social system limits the participation of women, particularly those from lower income groups, increasing numbers are participating in business, the professions, and the artistic world. However, women usually receive less remuneration than men for comparable work. There are two organizations concerned with women's rights: the Paraguay League of Women's Rights, a wing of the ruling Colorado Party; and the Union of Paraguayan Women, an organization founded in 1982 by a former opposition Member of the Parliament.

Paraguay has an unassimilated Indian population estimated at 45,000. The government's National Indigenous Institute can purchase land on behalf of the Indians and expropriate private property to establish tribal homelands. Implementation of this program has been slow and its promise thus far unrealized, but during 1985 the Institute purchased land on behalf of Indians for the second consecutive year. The problems of the Indian population continue to receive wide publicity in the Paraguayan media. The most controversial issue during 1985 concerned efforts by a prominent businessman to forcibly evict Indians from a traditional tribal area on a large landholding he had purchased. This occurred despite assurances from the Institute that it would protect the Indians from expulsion.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: PARAGUAY

	1983	1984	1985
I.ECON. ASSIST.-TOTAL...	3.2	2.7	1.6
LOANS.....	0.0	0.0	0.0
GRANTS.....	3.2	2.7	1.6
A.AID.....	0.0	0.2	1.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.2	1.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN \$-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	3.2	2.5	0.6
LOANS.....	0.0	0.0	0.0
GRANTS.....	3.2	2.5	0.6
PEACE CORPS.....	2.5	2.1	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.7	0.4	0.6
II.MIL. ASSIST.-TOTAL...	0.1	0.1	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.1	0.1
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.1	0.1	0.1
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	3.3	2.8	1.7
LOANS.....	0.0	0.0	0.0
GRANTS.....	3.3	2.8	1.7
OTHER US LOANS.....	1.1	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	1.1	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1983	1984	1985	1946-85
TOTAL.....	114.7	45.4	39.3	1089.5
IBRD	40.0	30.0	0.0	457.6
IFC	0.0	0.3	0.8	18.0
IDA	0.0	0.0	0.0	45.5
IDB	72.9	14.1	37.5	533.8
AOB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	1.8	1.0	0.0	27.1
OTHER-UN	0.0	0.0	1.0	7.5
EEC	0.0	0.0	0.0	0.0

PERU

Peru has a freely elected democratic government, with an executive branch headed by a president, a bicameral legislature, and an independent judiciary. Full political freedom is provided for in law and is respected in practice. Political representation in Congress ranges from conservative to Marxist. Independent trade unions are active, and opposition groups have excellent access to the media. In April 1985, Alan Garcia of the American Popular Revolutionary Alliance (APRA) party was elected President. He took office in July, marking the first transfer of power in forty years between two democratic governments. The new president has vowed to redress social and economic inequities, and to respect human rights.

Peru has a mixed economy with a large private sector, and private property is generally respected. Natural disasters and low commodity prices have seriously affected the economy in recent years, and per capita income has declined to about the 1965 level.

In 1985, the Maoist terrorist group Sendero Luminoso repeatedly carried out attacks in Lima and rural areas, killing police, military, and civilians, and began to use car bombs. The terrorists sought unsuccessfully to disrupt the 1985 electoral process.

Beginning in 1983, some in the security forces responded to Sendero with violence of their own, engaging in extrajudicial killings, disappearances, torture, and arbitrary detentions. Most of these violations occurred during 1983 and 1984 in the Ayacucho Emergency Zone where the declaration of a state of emergency delegated full civil and military authority to the armed forces. (Now applied in an area covering 19 provinces out of 126, the state of emergency suspends the rights of assembly and movement, lifts search warrant requirements, and allows indefinite detention of suspected criminals.) During 1985, reports of such abuses by security forces dropped sharply, reflecting both the previous and the present Governments' desire to improve respect for human rights. However, government investigations revealed that on two occasions in August members of the security forces had killed a total of 76 persons in the Ayacucho area. President Garcia responded swiftly, relieving three top military commanders, and the Government brought charges against the alleged offenders. The President and military leaders reaffirmed their opposition to the use of illegal methods against terrorists. The President also formed a Peace Commission of private individuals to explore the possibility of dialogue with the terrorists and to review pardons for persons claiming to have been unjustly accused of terrorism.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

Political killing became a significant problem in Peru in the early 1980's, following the initiation of armed activities by the Maoist terrorist group Sendero Luminoso. Committed to the overthrow of Peru's democratic system, Sendero targeted the police and the military, local officials, and peasants, sometimes after submitting victims to torture or mock trials.

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Although the bulk of its attacks occurred in the remote mountain region of Ayacucho, Sendero also operated in other rural and urban areas, including Lima. During 1985, Sendero carried out several car bombings and a substantial number of machine gun attacks in the capital, often against police officers and military members. In late October, it attacked APRA party offices, killing four civilians, and assassinated a prison director, which served to confirm Sendero's intention to continue to engage in terrorism despite the change in administrations. All legitimate political groups in Peru, including the Marxist left, have condemned the brutal terrorism of Sendero Luminoso. Two other insurgent groups, the Tupac Amaru Revolutionary Movement (MRTA), an unrelated Castroite, urban-oriented group whose leaders reportedly have been tied to Cuba and Nicaragua, and its off-shoot the People's Revolutionary Command (CRP), were active in Peru in 1985, causing disruption and damaging property, but apparently causing no fatalities.

Beginning in January 1983, when the armed forces began to concentrate their counterterrorist effort in certain areas of the country, terrorist casualties mounted, but increasing numbers of innocent civilians died as well. Total deaths related to antiterrorist operations of the security forces are estimated by human rights groups as being in the thousands for 1980-85, including about 200 military and police personnel. Precise information is lacking on the number of civilian victims and their identities (terrorist or non-terrorist) as well as the identity of their assailants (terrorists, security forces, or peasant self-defense forces). Until September 1985 the Government did not issue communiques on clashes with terrorists in the emergency zones, and the threat of violence discouraged private observers from traveling in rural areas. Some allegations of government abuses appeared to be politically motivated, and the picture is further obscured by narcotics-related violence in the Tingo Maria area, as well as traditional peasant inter-communal conflicts, which may have increased in recent years. Nevertheless, Peruvian and foreign human rights groups believe that the security forces may have summarily executed a significant number of terrorists and suspected terrorists as it fought Sendero. Observers believe that the number of extrajudicial killings involving the security forces has declined significantly since early 1985, possibly in response to international and domestic pressure. However, foreign and domestic groups remained concerned about deaths caused by peasant self-defense forces. Membership in those forces was alleged to be involuntary in some cases.

In his July inaugural address, President Garcia rejected the use of illegal methods to fight terrorism. He reacted quickly when in September the media reported the discovery of seven bodies in an unmarked grave in Pucayacu (the scene of other mass graves discovered in 1984) and the deaths of as many as 69 peasants in the village of Llocllapampa, in the Accomarca district. Both locations are in the Ayacucho Emergency Zone, under military control. The Government ordered the military to investigate and report within a week. These reports revealed that three military members and a driver were responsible for the killings of seven persons in August at Pucayacu, and that an Army sublieutenant and three other officers were responsible for the Accomarca massacre of some 25 to 69 peasants. A separate investigation by the Senate Human Rights Commission supported these conclusions. In response, the President forced the resignation of the Head of the Armed Forces Joint Command and relieved of their command

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two generals who had direct responsibility for the Ayacucho Emergency Zone. The President and senior military officials subsequently made numerous statements demanding an end to extrajudicial killings and announced a revision of counterterrorist strategy. The eight implicated individuals have been charged in both the military and the civilian court systems; the Supreme Court is to decide final jurisdiction. Local human rights groups applauded the Government's steps, but called for investigations into earlier cases of reported killings, and for assurances that alleged offenders would be tried in civilian courts.

The deaths of 30 terrorists in October during a police search of Lurigancho Prison led to additional allegations of extrajudicial killings. However, the Government offered persuasive evidence that other prisoners had caused the fire that killed 26 of the 30 inmates who died, and that police had not abused their authority.

In another case, the Chamber of Deputies Human Rights Commission confirmed the finding of a mass grave with 15 bodies including 7 children in the town of Bellavista. According to campesinos, the killing took place on September 3 by military men. Reportedly there are other graves in the area still not dug up. Further, according to newspaper reports, other mass graves had been discovered in the town of Huacar containing bodies of people who had previously been arrested by security forces.

As part of its antiterrorist campaign, the Government has made clear its desire to incorporate insurgents into democratic society, if they renounce violence. In September, the Government created a Peace Commission, composed of six private citizens, with a mandate to study dialogue with the terrorists and the possibility of amnesty. Sendero has rejected dialogue to date and the Commission had by the end of the year made little headway. Some commissioners complained they were not receiving sufficient government support. In October the Government announced that two groups comprised of over 150 Sendero terrorists and peasant support members had turned themselves over to the authorities and had sought their protection.

b. Disappearance

Domestic and international human rights groups have expressed serious concern about disappearances allegedly carried out by the security forces. Working with local human rights groups, Amnesty International presented a list of about 1,100 disappearance cases to the Government in early 1985. Local groups submitted about 500 of these cases with fuller documentation in June to the United Nations Human Rights Commission Working Group on Forced or Involuntary Disappearances. According to these groups, about 180 additional disappearances occurred between January and August, a figure which reflected a significant decrease in the number of new reports of disappearance cases. The Belaunde Government admitted some excesses had occurred, but claimed that the number of disappearance cases was exaggerated and indicated that it would submit evidence to back these claims to the United Nations Human Rights Commission.

Almost all of the disappearances are alleged to have been carried out by the military or the police, generally in the Ayacucho Emergency Zone. Peruvian human rights groups believe

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that victims frequently are detained in military installations. Although some individuals eventually are freed or legally detained, most remain unaccounted for. The fact that the seven persons killed by the security forces in Pucayacu had all been detained immediately prior to their deaths has been cited by human rights groups as evidence that disappearances continued to be a problem, notwithstanding the overall decline in alleged cases since the beginning of 1985.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture and inhumane or humiliating treatment. Nevertheless, charges of security force brutality toward detainees and accused criminals have been commonplace since the military first took control of the emergency zone in December 1982. Although such accusations are frequently difficult to verify, a local prosecutor affirmed that the bodies of the seven Pucayacu victims bore signs of torture. Survivors of the Accomarca killings claim that soldiers raped numerous female victims before killing them. A Senate Commission, however, was unable to prove this allegation. Local human rights groups and criminal lawyers generally concur privately that police frequently engage in abusive practices toward accused persons, such as beatings. Prison conditions in Peru are extremely poor, and detained persons are likely to encounter limited hygienic facilities, poor nutrition, ill-treatment by prison staff, and abuses by other prisoners who take advantage of lax prison supervision. The Garcia administration has expressed outrage over these conditions and has acknowledged the need to improve them, particularly conditions of dangerous and violent criminals (including terrorists) and female prisoners (whose minor children frequently live with them in prison). The Government has also initiated a major anti-corruption drive to end abusive practices, including the dismissal of 369 police officers.

d. Arbitrary Arrest, Detention, or Exile

The Constitution requires that persons arrested be arraigned within 24 hours, except in cases of alleged drug trafficking, terrorism, or espionage, for which the limit is 15 days. Arraignment normally occurs in a timely manner. Arrested persons are entitled to have an attorney present when they make statements to the police. Public prosecutors (from the Public Ministry) customarily are also present during such statements, and they are supposed to ensure that statements are not made under threat or coercion. Human rights groups continue to express concern that these safeguards are not always respected by authorities in terrorism cases in areas under a state of emergency.

Though not mentioned specifically in the Constitution, habeas corpus is a concept in Peruvian law supported by the Constitution and respected in practice. However, the state of emergency permits authorities to detain individuals indefinitely in those areas in which it is in effect. Local human rights groups claim that security forces in the Ayacucho Emergency Zone frequently detain citizens arbitrarily for brief periods, but the groups lack overall statistics on the number of such incidents. Although bail is available in most cases, in practice the Government successfully seeks to deny it to persons accused of terrorism.

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The Constitution prohibits compulsory labor or unpaid personal service.

e. Denial of Fair Public Trial

The Peruvian judiciary is an independent branch of government. Judicial appointments are for life; only Supreme Court justices require legislative approval. The legal system is based on the Napoleonic Code. Once criminal charges are filed, a judge determines whether probable cause exists. The next step is a judicial hearing process that may last up to five months, followed by a public trial. Sentences may be appealed, and courts may send cases back to lower courts for additional investigations. Although public defenders exist, their numbers are inadequate; most defendants must pay for legal counsel or depend upon pro bono lawyers, including some provided by Peru's human rights organizations. For security reasons, all terrorism trials are held in Lima; most persons accused of terrorism are held without bail in Lima prisons.

The courts face severe backlogs, the product of the sharp increase in cases of alleged terrorism, inefficiency, and, according to some observers, influence peddling. According to the Government, 17,000 of Peru's 22,000 prisoners have not been sentenced and remain at some stage in the trial process. Local human rights groups have documented numerous cases of persons who have been detained, without bail, awaiting trial for periods up to four years. In September the Government dispatched 100 additional prosecutors to a Lima prison in order to reduce this backlog. Terrorists reportedly have threatened judges handling terrorism cases and in October took one hostage for eleven hours.

Throughout 1985, Marxist opposition parties denounced the detention of between 150 and 300 alleged political prisoners. The opposition maintained that most of these persons had not committed violent crimes, but rather had been accused under the broad antiterrorism statute to punish them for carrying out legitimate political or labor union activity. Both the Belaunde and Garcia administrations have denied the existence of such political prisoners. In his July inaugural address, President Garcia recognized that some persons might have been arrested unjustly, and called upon the executive and judicial branches to address the problem. In September the President announced the formation of the Peace Commission, one of whose duties is to study individual cases and recommend presidential pardons where merited. Several dozen alleged political prisoners reportedly have been freed since July; about 150 remain in jail.

The Constitution requires that civilians be tried in civilian courts. A separate military court system exists for military offenders. There is wide disagreement over the conditions under which military members can be tried in the civilian court system.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution stipulates that police require a judicial warrant to enter a private dwelling, which is generally respected in practice. The requirement for a warrant is suspended in areas under a state of emergency, and security forces in those areas routinely conduct searches of private homes without a warrant.

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Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Constitution guarantees freedom of speech and the press, and these rights are honored in practice. The media reflect viewpoints across the political spectrum and frequently criticize the Government. Neither the Belaunde nor the Garcia administration has sought to censor the media. In October the Government annulled the law of disrespect (Ley de Desacato) under which some journalists had been charged in previous years. Journalists are not required to belong to a professional association. In addition to the numerous privately owned media outlets, the Government owns two newspapers, two television and radio networks, and a news service.

The declaration of a state of emergency does not affect freedom of speech and press. However, legal restrictions on travel, as well as the threat of terrorist violence, have restricted journalists' work in the emergency zones. Two journalists were killed during 1985, one by an unidentified assailant and one by a police officer; motives for both killings were unclear.

b. Freedom of Peaceful Assembly and Association

These rights are expressly guaranteed in the Constitution and are normally respected in practice. Municipal authorities are usually forthcoming in approving permits for demonstrations. For the most part, the Government deals with even unauthorized demonstrations in a non-confrontational manner. The right to assembly is among those specifically suspended in those areas under a state of emergency.

The Constitution guarantees private workers the right to organize, to bargain collectively, and to strike. Unions are required to engage in direct negotiation and to seek conciliation (at the Ministry of Labor) prior to any strike action. Public sector workers (except for the armed forces and high officials) have similar rights. In practice, all workers organize and strike freely.

According to the Government, 17.5 percent of the work force is organized. Total membership in Communist and other far left unions is larger than that in democratically-oriented unions. Unions generally are not formally linked with political parties, but important national confederations are identified with particular political tendencies, ranging from the far left to the government party. Union leaders are consulted regularly by the government. Peruvian labor organizations affiliate freely with regional and international trade union organizations of all ideological tendencies. Peru is an active member of the International Labor Organization (ILO).

The Committee on Freedom of Association of the ILO has criticized the Government for failing, despite numerous requests, to respond to charges that arrests and violent deaths occurred during a general strike in 1983.

c. Freedom of Religion

The Roman Catholic faith is overwhelmingly predominant in Peru, and the Constitution formally recognizes the Church's importance. The Constitution also establishes the

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independence of church and state and guarantees freedom of religion and conscience. These rights are respected fully in practice. Members of minority religions encounter no difficulty in practicing their faith or in exempting their children from religious instruction in public schools. Missionary organizations operate freely in the country with the cooperation of government ministries.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution guarantees the right of free movement and prohibits the exile of citizens. There are no political or legal constraints on foreign travel or emigration. Freedom of movement is suspended in those areas governed by a state of emergency.

Peru is a signatory of the 1967 United Nations Protocol on the Status of Refugees. Persons fleeing turmoil in other countries traditionally have been encouraged to return eventually to their country of origin, but have not been forced to do so. Involuntary repatriation occurs only in the cases of persons accused of nonpolitical crimes.

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

Peru is a democracy governed by a freely elected President and Congress. The political process is completely open and is vigorously contested by groups ranging from conservative to Marxist. Suffrage is universal for persons over 18 years old (except for members of the military). In April 1985 Peru had free and fair elections for a president, two vice-presidents, and 240 members of the two houses of Congress. In July the incumbent administration (whose Popular Action party was defeated in the elections) turned power over to the rival American Popular Revolutionary Alliance Party (APRA), marking the first transfer of power between democratically elected presidents in 40 years. The current president's party has a majority in the congress.

Leadership of the various parties tends to be dominated by the urban elite, whose educational, financial, and communications resources give them advantages over rural-based elements. Indians and the small black community remain underrepresented at top levels of all governmental institutions and professional associations. The new Government has made it a top priority to increase the flow of resources and attention to the poor, largely Indian, rural areas.

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

Amnesty International and Americas Watch expressed serious concern during 1985 about extrajudicial killings, disappearances, torture, and arbitrary detention in Peru. The Belaunde administration reluctantly admitted that unauthorized excesses had occurred in the course of the antiterrorism campaign in isolated cases but continued to dispute the veracity of complaints made by these groups, as well as by domestic human rights groups. The Government claimed that the vast majority of the 1,100 disappearance cases presented by Amnesty International involved persons who had been legally detained, or involved fictitious persons. The Government

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facilitated working visits to Peru by the United Nations Human Rights Commission's Working Group on Forced Disappearances in June, and by an international group in July that included Nobel Prize winner Adolfo Perez Esquivel.

The new Garcia administration has welcomed investigations by domestic or foreign groups in human rights. A recent editorial in the government-owned daily La Cronica lauded Amnesty International and its 1985 World Report. The newly established Senate Human Rights Commission played a major role in the investigation of the Pucayacu and Accomarca killings. While voicing concern about the human rights situation, local human rights groups have reacted favorably to the new Government's approach and believe they have much better access to officials than before.

A number of human rights groups exist in Peru. In January, 1985, thirteen groups formed the National Coordinator of Human Rights. The three largest groups are the Association for Human Rights (APRODEH), formed in 1983; the Evangelical Commission for Social Action (CEAS), a Catholic church group; and the National Commission of Human Rights (CONADEH), formed in 1980. Lima is also the headquarters of the Regional Andean Commission of Jurists. In September the Government formed a Peace Commission composed of private citizens, including a member of the Catholic Church hierarchy. It was charged with seeking a dialogue with terrorists, with a view to reincorporating the latter into democratic society. It was also to have begun to study pardons for persons who are allegedly unjustly accused of terrorism.

Although local groups remained concerned about the human rights situation, they acknowledged that the new Government had carried out unprecedented steps to assert its constitutionally mandated authority over the military and to address human rights violations.

Freedom House rates Peru "free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Peru's population was estimated at 19.7 million in 1985, growing at an annual rate of 2.6 percent. Per capita gro was calculated at \$1,040 in 1983, down from \$1,254 in 1982.

Composed of several distinct geographic regions, Peru is a classic case of differential development. Public investment traditionally has been focused on the coast, drawing migrants to the cities, especially Lima. The one-third of the population in the capital area accounts for two-thirds of gross domestic product (GDP). Many Indians live in Peru's poorest regions in the mountains. Development efforts have been impeded by the difficulty and cost of providing services to areas remote from the mainstream of the dominant hispanicized culture and the centers of economic activity. As a result of this dichotomy and of historical prejudices, the economic and social needs of Peruvians of European ancestry are more likely to be met than those of mixed or pure Indian heritage.

Natural disasters and low commodity prices have had a negative impact on Peru's economy. The new Government has implemented a wage and price freeze and has promised an austerity budget, with important consequences for Peru's economic future. The Government has also promised that assistance to the distressed

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agricultural sector will be one of its top priorities. During the latter half of 1985, inflation dropped from an annualized rate of about 200 percent to between 43 and 51 percent. About 60 percent of the labor force is either unemployed or underemployed. Foreign debt in 1985 reached \$13.5 billion. Peru received an estimated \$800 million annually in foreign assistance during 1983-1985. The new Government changed the previous policy of carrying out frequent mini-devaluations and has maintained a stable foreign exchange rate.

Life expectancy at birth is 58 years, with an infant mortality rate of 96 per thousand. The literacy rate is 72 percent. Some 84 percent of children between the ages of 6 and 14 are enrolled in school. Fifty-one percent of the population have access to safe water and 70 percent have access to some type of health care. Figures for 1977 indicate that 49 percent of the urban population was below the absolute poverty level; although statistics on rural poverty are unavailable, the situation in those areas probably is worse.

Peruvian law prohibits the employment of children under 14, but it allows the employment of older children who are literate. Although minimum-age legislation generally is enforced in all sectors of the official economic system, chronic social problems lead many destitute children to seek a living on the streets. The present administration has launched a campaign to protect these minors.

Employers are required by law to pay workers the minimum wage. Ministry of Labor inspectors are charged with enforcing compliance with workplace safety and health regulations. Both public and private sector employees are covered under the state-run Social Security Institute health plan. Workers have benefited from an eight-hour workday since 1918, and the official work week is forty hours.

Women represent 26 percent of the Peruvian labor force. In 1984, 61.9 percent of the female workforce was employed in commerce and services, 16.6 percent in the industrial sector and the remaining 19.5 percent in other occupations (mainly as domestics). The average wage of male workers is double that of females. Women are well represented in government and professional occupations, although not as well in large businesses. There are three women in the 60-member Senate, and there are 10 women in the Chamber of Deputies (out of 180). Several women's groups exist in Peru, but the scope of their activities is limited compared with that of human rights groups. The Constitution grants women equality with men, and laws on marriage and divorce do not discriminate against women. Nevertheless, tradition still tends to impede the access of women to leadership roles in major social and political institutions. A similar situation is faced by the rural indigenous population and by Peru's small black community. The former group traditionally has lacked access to public goods and services. The new Government has vowed to increase public resources to the rural poor.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: PERU

	1983	1984	1985	
I.ECON. ASSIST.-TOTAL...	93.4	164.6	79.1	
LOANS.....	48.5	119.0	25.5	
GRANTS.....	44.9	45.6	53.6	
A.AID	35.5	118.9	37.9	
LOANS.....	19.5	100.0	0.5	
GRANTS.....	16.0	18.9	37.4	
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0	
B.FOOD FOR PEACE.....	55.9	42.9	38.8	
LOANS.....	29.0	19.0	25.0	
GRANTS.....	26.9	23.9	13.8	
TITLE I-TOTAL.....	29.0	19.0	25.0	
REPAY. IN \$-LOANS.....	29.0	19.0	25.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	26.9	23.9	13.8	
E.RELIEF.EC.DEV & WFP.	10.6	2.7	4.0	
VOL.RELIEF AGENCY.....	16.3	21.2	9.8	
C.OTHER ECON. ASSIST...	2.0	2.8	2.4	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	2.0	2.8	2.4	
PEACE CORPS.....	0.0	0.0	0.0	
NARCOTICS.....	1.8	2.8	2.4	
OTHER.....	0.2	0.0	0.0	
II.MIL. ASSIST.-TOTAL...	4.6	10.7	8.7	
LOANS.....	4.0	10.0	8.0	
GRANTS.....	0.6	0.7	0.7	
A.MAP GRANTS.....	0.0	0.0	0.0	
B.CREDIT FINANCING....	4.0	10.0	8.0	
C.INTL MIL.ED.TRNG....	0.6	0.7	0.7	
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E.OTHER GRANTS.....	0.0	0.0	0.0	
III.TOTAL ECON. & MIL...	98.0	175.3	87.8	
LOANS.....	52.5	129.0	33.5	
GRANTS.....	45.5	46.3	54.3	
OTHER US LOANS.....	26.3	0.3	0.0	
EX-IM BANK LOANS.....	26.3	0.0	0.0	
ALL OTHER.....	0.0	0.3	0.0	
ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	1946-85
TOTAL.....	454.1	317.6	72.1	3302.1
IBRD	302.2	122.5	31.0	1677.4
IFC	8.0	9.2	16.8	90.1
IDA	0.0	0.0	0.0	0.0
IDB	142.3	184.8	24.3	1466.7
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	1.6	1.1	0.0	53.3
OTHER-UN	0.0	0.0	0.0	14.6
EEC	0.0	0.0	0.0	0.0

ST. CHRISTOPHER AND NEVIS

St. Christopher and Nevis (commonly called St. Kitts) which received independence from the United Kingdom in 1983, has a government modeled on the British parliamentary system with elections at least every 5 years. The political opposition is active and vocal. The Constitution provides the smaller island of Nevis considerable self-government, as well as the right to secede from the federation if certain enumerated procedures, including 6-months notice, are followed.

Security forces consist of a small police force which includes a small Special Service Unit with some paramilitary training.

St. Christopher and Nevis has a mixed economic system. Most commercial enterprises are privately owned, but the sugar industry--the country's largest--and 85 percent of all arable land are owned by state corporations.

The country's human rights record continued to be good during 1985.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

No political killings were reported in 1985.

b. Disappearance

No politically motivated abductions, extralegal detentions or disappearances were reported in 1985.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Law enforcement authorities abide by the constitutional prohibitions against the use of torture or cruel, inhuman, or degrading treatment or punishment. Prisoners are housed in an outmoded jail; family members, attorneys, and clergy are permitted to visit detainees regularly.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention. Habeas corpus provisions require that persons detained be brought before a court within 48 hours. Opposition politicians have made unsubstantiated charges that the present Government has been involved in politically motivated arrests. There were no reported cases of exile. Although there is no known legal provision against it, forced or compulsory labor is not known to take place in St. Christopher and Nevis.

e. Denial of Fair Public Trial

The Constitution requires that every person accused of a crime receive a fair, speedy, and public trial. The judiciary is highly regarded and independent. Like most of the English-speaking Caribbean, St. Christopher and Nevis is served by the West Indies Court of Appeal. Legal assistance is available to indigent defendants.

ST. CHRISTOPHER AND NEVIS

- f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Neither the Government nor police interfere arbitrarily in the private lives of individuals. Warrants are required to search private homes.

Section 2 Respect for Civil Rights, Including:

- a. Freedom of Speech and Press

The Constitution guarantees freedom of speech and of the press. St. Christopher-Nevis does not have a major daily newspaper. Each of the large political parties publishes a weekly or biweekly newspaper, and there are regional church-funded newspapers. International news publications are readily available. The Government owns and operates the only television station, but opposing political views are freely debated on television as well as on the commercial radio station.

- b. Freedom of Peaceful Assembly and Association

The Constitution guarantees the right of peaceful assembly. Organized demonstrations, rallies, and public meetings sponsored by political parties occur regularly without government interference. Labor unions are free to organize and to negotiate for better wages and benefits for union members.

- c. Freedom of Religion

The Constitution guarantees the free exercise of religion, and there are no restrictions on religious practices. Most church members belong to Protestant denominations.

- d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Travel inside and outside of the federation is unrestricted. Kittitian citizens resident in other countries are free to return at any time.

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

The multiparty political system encompasses a wide variety of political views. Suffrage is universal over age 18. Political parties are free to conduct their activities, and every party holds some type of annual convention.

The current Government is a coalition of two of the three major political parties: the People's Action Movement, led by Prime Minister Kennedy Simmonds, and the Nevis Reformation Party, headed by Simeon Daniel, the Premier of Nevis and Minister of Natural Resources and Environment. In June 1984 national elections, the coalition strengthened its mandate by winning 9 of the 11 elected seats in the federal Parliament.

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

Internationally recognized human rights organizations have not commented on the human rights situation, nor has anyone

ST. CHRISTOPHER AND NEVIS

requested an investigation or called for inquiries into alleged violations. The Government is firmly committed to the promotion of human rights and takes criticism related to human rights seriously.

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The nation's economy is emerging from a period of decline. The world recession of the early 1980s, coupled with a steep decline in sugar prices, resulted in economic stagnation. Total government revenues needed for capital development projects fell. Per capita gross national product (GNP) was an estimated US \$824 in 1982.

The Government has developed a program of economic diversification to increase earnings in tourism, manufacturing, and agricultural production other than sugar. The sugar industry remains the single most important revenue producer in the economy, accounting for 11.9 percent of the gross domestic product (GDP) in 1983.

The population, estimated at 41,000, had a negative growth rate in 1985, averaging minus 1.2. percent. The nation's birth rate is 24 per 1,000; the infant mortality rate remains high at 39.5 per 1,000 live births.

The minimum legal working age is 14. The work week is 40 hours in 5 days, and workers are guaranteed a minimum vacation of 2 weeks. Although a minimum wage is established by law, it is arguably less than that on which a person can be reasonably expected to live.

The role of women in society is not restricted by law. Women's participation in public life got a boost in the June, 1984 election, when Constance Mitcham won a seat in Parliament, defeating the leader of the opposition. Ms. Mitcham was then named Minister of Women's Affairs.

ST. LUCIA

A member of the British Commonwealth, St. Lucia has a multiparty parliamentary democracy. The current Prime Minister, John Compton, was democratically elected in May 1982.

Although political disruption marked the two years following independence from the United Kingdom, constitutional processes prevailed. Political stability has been enhanced by 4 years of economic growth, but high unemployment and a fragile economy remain sources of potential instability.

The police are the only security force in St. Lucia. Its small Special Service Unit has received some paramilitary training, and participated in military maneuvers with other nations of the region which are members of the Regional Security System. St. Lucia is also developing a coast guard. The nation's security forces are small but are imbued with traditions of integrity, professionalism, and respect for human rights.

St. Lucia continues to have an excellent human rights record.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There were no reports of killing for political motives in 1985.

b. Disappearance

There were no reports of disappearances in 1985.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

In December 1984, a murder suspect, Alphonsus Fontenard, died under questionable circumstances while in police custody. A government inquest concluded that the suspect was shot by police officers acting in self-defense.

d. Arbitrary Arrest, Detention, or Exile

The Constitution, which prohibits arbitrary arrest or imprisonment, provides that persons arrested be brought before a court within 72 hours. The Government honors these provisions in practice. There were no reports of arbitrary arrests or other forms of detention or forced exile in 1985. The "Women and Young Persons Acts" prohibit forced or compulsory labor; the law is respected in practice.

e. Denial of Fair Public Trial

The Constitution mandates public trials before an independent and impartial court and guarantees the provision of legal counsel to indigents. Accused persons are presumed innocent until proven guilty. The regional West Indies Court of Appeal, long known for its impartiality, serves as St. Lucia's court of appeals.

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f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Constitutional prohibitions against arbitrary search, seizure, and entry are observed by the authorities. There were no reports of arbitrary intrusion of the State into the private lives of individual citizens in 1985.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Constitutional guarantees of free speech and press are respected in practice. St. Lucia has two newspapers reflecting contrasting opinions. A television station is privately owned and controlled. The Government owns and operates Radio St. Lucia, and a religious organization operates another radio station. The Government does not censor the news or communications media.

b. Freedom of Peaceful Assembly and Association

There are no legal or practical restrictions on public meetings in St. Lucia. Political opposition groups organize and conduct activities freely.

Workers have the right to form trade unions, to elect their officers, to conduct union activities free of government intervention, and to engage in collective bargaining. The right to strike exists in the private sector if government-sponsored efforts to resolve disputes fail. Trade unions represent the majority of wage and salary earners and play a prominent role in the nation's economic and political life.

c. Freedom of Religion

There is no religious discrimination in St. Lucia. The majority of the population is Roman Catholic.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution guarantees these rights and they are generally honored in practice. The Government did not permit 16 St. Lucian citizens to travel to Libya in 1983, on national security grounds. Alleging that the group was to receive terrorist training, the Government revoked their passports. It still holds the passports of several of the original sixteen, thus restricting their travel outside St. Lucia.

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

St. Lucia has a parliamentary system of government under which citizens have a genuine choice of parties, policies, and officials. The nation's political life continues to be vigorous. Opposition parties play an active role in and out of Parliament, where they hold 3 of 17 seats. Parliamentary elections were last held in 1982 and by law must be held again before May 1987.

ST. LUCIA

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

International human rights bodies filed no reports or requests for investigations into human rights violations in 1985. The multidominational St. Lucia Christian Council is the major domestic organization following human rights issues. Amnesty International did not mention St. Lucia in its 1985 report. Freedom House rates St. Lucia as "free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Half of St. Lucia's population of 122,000 is under 25 years of age. The 1985 population growth rate was 1.1 percent. Emigration elsewhere in the Caribbean, to the U.S., Canada, and the United Kingdom is high.

The economy relies heavily on banana exports and subsistence agriculture. Bananas account for about 60 percent of the country's export earnings. The per capita gross national product (GNP) was estimated at US \$962 per year in 1982.

In an effort to expand secondary schooling, St. Lucia has channeled more than 20 percent of its total recurrent budget expenditures into education over the past 6 years. Education is compulsory between the ages of 5 and 15. The nation's elementary schools enroll 95 percent of those eligible, but shortages of facilities and classroom space limit secondary school enrollment. The literacy rate is estimated to be over 75 percent.

The national insurance scheme pays for most medical care; in-patient care at the general hospital is free of charge and 97 percent of the population has access to health care centers within 3 miles of home.

St. Lucia's infant mortality rate is 19.9 per 1,000 live births. Life expectancy at birth is approximately 69.8 years. One-hundred percent of the population has access to safe water.

The minimum legal working age in St. Lucia is 14. The workweek is 40 hours in 5 days and workers are guaranteed a minimum annual vacation of 2 weeks. Some of the provisions of an occupational safety law passed in 1985 are being disputed by labor unions. Although no minimum wage is established by law, a government-established Wage Council reviews wage rates in different sectors and makes recommendations which are generally accepted as having the force of law. The wages set by this procedure are arguably less than that on which a person can be reasonably expected to live.

There are no legal restrictions on the role of women in St. Lucia. Although the more traditional household role is the predominant one for St. Lucian women, they are well-represented in government and the professions. As more women take advantage of public schooling and other government programs, the participation of women in other sectors of society is expected to increase.

ST. VINCENT AND THE GRENADINES

St. Vincent and the Grenadines retains the multiparty parliamentary system of government which it inherited upon independence from the United Kingdom in 1979. Democratic traditions and respect for the rights of the individual have continued since independence. In July 1984, the New Democratic Party led by James F. Mitchell defeated the ruling St. Vincent Labor Party led by incumbent Prime Minister Milton Cato in peaceful, democratic elections.

The Royal St. Vincent Police is the only security force in the country. A small Special Service Unit with some paramilitary training has been established within the police force, and a Marine Wing created under police command to serve as St. Vincent's coast guard. Some members of the Marine Wing are not police officers. The St. Vincent police maintain traditions of professionalism which place a high value on respect for human rights.

A poor country with a very young population, (half under 15 years of age), St. Vincent's most serious problem is unemployment. The nation's economy remained sluggish in 1985 mainly because of a slow recovery from the world-wide recession and exchange rate reductions which affected the vital banana industry.

The country's human rights record remained good during 1985.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There were no reports of political killing in 1985.

b. Disappearance

There were no reports of disappearances in 1985.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There were no reports of torture or cruel, inhuman, or degrading treatment or punishment in 1985.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides that persons detained for criminal offenses be provided legal representation and that their cases be reviewed periodically. The Government assiduously follows these provisions. There were no reports of arbitrary arrests, or summary exile in 1985.

Although there is no known legal prohibition against forced or compulsory labor, such practices are not known to take place in St. Vincent.

e. Denial of Fair Public Trial

The Constitution provides for public trials before an independent and impartial court. Criminal defendants have the

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right to legal counsel, are presumed innocent until proven guilty, and have the right of appeal, ultimately to the Privy Council in London.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits arbitrary entry, search, and seizure; this prohibition is honored in practice by law enforcement authorities. There were no reports of arbitrary search and seizure, or other government intrusions into the private life of individual citizens in 1985.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Constitution guarantees freedom of speech and of the press, and the Government respects these rights. The Government neither censors nor interferes in the operation of newspapers, which openly and freely criticize it.

b Freedom of Peaceful Assembly and Association

The freedom to assemble peaceably is respected in practice.

The Government has adhered to the International Labor Organization's Convention on Freedom of Association. Unions enjoy the right of collective bargaining and the right to strike; they represent approximately 7,000 workers (slightly more than 10 percent of the labor force).

c. Freedom of Religion

All religions are free to practice and proselytize in St. Vincent and the Grenadines.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

These rights are guaranteed by law and honored in practice.

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

St. Vincent has a parliamentary system of government in which citizens have a genuine choice of parties. In the 1984 general elections, the opposition New Democratic Party won an overwhelming electoral victory, winning 9 of the 13 seats in Parliament.

In August 1985, the Speaker of the House of Assembly excluded opposition parliamentarians from a debate on the budget. The following month, both the Speaker and Deputy Speaker resigned from their positions after a vote of no confidence. Prime Minister Mitchell asked the Speaker to resign because of alleged malfeasance.

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

No international human rights organizations maintain offices in St. Vincent. Although there is no local body which

ST. VINCENT AND THE GRENADINES

publicly monitors human rights violations, opposition political groups occasionally comment on human rights practices. The Government is responsive to public and private inquiries on its human rights practices. Amnesty International did not comment on St. Vincent in its 1985 report. Freedom House rated the country as "free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

With a population of 101,000 inhabitants, St. Vincent and the Grenadines is a small, poor country with a moderately growing population (.9 percent growth in 1985). Per capita gross national product (GNP) in 1982 was estimated at \$616. The nation's economy relies heavily on an ailing agricultural sector; bananas are the principal export crop.

The Government has identified several programs essential to economic progress, including development of basic infrastructure, assistance to the outlying Grenadine islands, development of tourism, and implementation of a land reform program (including public sector divestiture of parastatal enterprises in the agricultural sector).

The Government's development policies emphasize education: education is compulsory for 10 years. The adult literacy rate is about 95.6 percent.

Health care is hampered by the shortage of funds, facilities, and personnel. Health care facilities have improved in recent years, but many of St. Vincent's best-trained personnel migrate each year, chiefly to earn higher wages. St. Vincent's infant mortality rate is 40 per 1,000 live births.

The minimum working age is 15. The workweek is 40 hours in 5 days, and workers are guaranteed a minimum annual vacation of 2 weeks. The Government is currently endeavoring to convert loose arrangements covering occupational safety and health into statutes. The minimum wage established by law is arguably not enough on which a person can be reasonably expected to live.

The role of women in society is not restricted by law, but custom dictates that most Vincentian women center their lives around the home. As women take greater advantage of public education programs, health facilities, and family planning, many observers expect the women of St. Vincent and the Grenadines to participate in larger numbers in the nation's economic, professional, and political life.

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Suriname has been governed by the military since the 1980 coup which overthrew its elected Government and suspended the Constitution. Since the coup, political power has been exercised or delegated by Leader of the Revolution and Commander of the Armed Forces, Lieutenant Colonel Desire D. Bouterse and by other members of the military authority. In 1985, Suriname continued to operate under an official state of emergency.

In January 1985, a new Cabinet consisting of nominees of the military, labor and business was installed under Prime Minister Wim Udenhout and given a mandate by the military to govern until March 31, 1987, the end of the announced transitional period to "democracy." The military, organized labor and organized business also nominated members to a new National Assembly whose main tasks include the writing of a constitution, approving a budget, and legislating. In August, the Assembly approved a decree formalizing the de facto role of the military in the government by naming Commander Bouterse as "Head of Government" and by identifying the five-member "Military Authority" as a component of the Government. However, the military has said that, when the Constitution is completed and has received popular approval, it will hand over governing power to new constitutional authorities.

Suriname's predominantly free market economy came increasingly under government regulation in 1985--primarily through allocations of scarce foreign exchange and import licenses to importers and manufacturers. Economic conditions worsened rapidly because of a shortage of foreign exchange, and companies engaged in importing and commerce suffered a sharp decline in trade. Unemployment has risen less rapidly than it might have, because layoffs are forbidden without government approval.

The human rights situation in Suriname showed some signs of modest progress in 1985 as violations attributable to government actions declined further. There were serious abuses in the expulsion of 5,000 illegal Guyanese residents. The powers of the military police were expanded. Showing sensitivity to expressions of international concern, the Government in August brought the long-awaited "Civil Rights and Duties Commission" into existence. Political rights, however, are still denied, and Surinamers remain intimidated by the regime.

RESPECT FOR HUMAN RIGHTS**Section 1 Respect for the Integrity of the Person, Including Freedom from:****a. Political Killing**

There were no known cases of killing with political motivation or at Government instigation in 1985. In its 1985 Human Rights report on Suriname, however, the Inter-American Commission on Human Rights (IACHR) reported allegations concerning several assassination attempts on the lives of political opponents of the Government living abroad.

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b. Disappearance

There is no evidence that the Government sponsored abductions or kidnappings by governmental or non-governmental forces, nor were there any reports of such disappearances during 1985.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Approximately five thousand Guyanese who were allegedly in Suriname illegally were rounded up and deported in January and February 1985. Many were detained and moved to the border without being allowed to collect their children or property. During their overnight detention in an abandoned banana warehouse at the border town of Nieuw Nickerie, hundreds of Guyanese were denied access to adequate sanitary facilities, food and water, and at least one child is said to have died under these circumstances. Following a public outcry by the churches, the military police stopped the operation in February.

The 1985 IACHR report on Suriname sharply contrasts prison conditions found in such military installations as Fort Zeelandia with those of regular state penitentiaries such as Santo Boma Prison. The report describes Fort Zeelandia's temporary brig as "badly over-crowded, filthy, with only the most primitive facilities." It describes Santo Boma as a "truly model facility" where regular school classes and trades are taught and where guards and administrative authorities are "well prepared educationally for their jobs."

d. Arbitrary Arrest, Detention or Exile

During 1985 the only known case of arbitrary arrest involved a young man who was taken into custody in July for having written a book which the authorities described as subversive. He was arrested by the military police and held incommunicado for over five days. The Court decided that there was insufficient evidence to detain the man and he was released after having been detained for a total of approximately nine days.

According to Surinamese law, a person suspected of having committed a crime the sentence for which is longer than four years, may be detained by the police for investigation for up to fourteen days before being brought before a court to be charged. He may be detained longer only if a judge decides that there is sufficient evidence to justify the charge. There is no provision for bail during this period.

There is no forced or compulsory labor in Suriname.

e. Denial of Fair Public Trial

The civil court system provides fair public trials when the accused are turned over to the civil authorities, and there were no known cases in 1985 of military police not adhering to this practice. The judiciary continues to maintain its independence and to act properly in cases referred to it.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Military police in 1985 entered homes and businesses without warrants to conduct searches. The People's Militia and the

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February 25 Movement are organizations which have the power to monitor what people say and to act as informers to the authorities. Information on how this power is used is lacking. There are no known cases of persons having been forced to join or actively support these organizations, though benefits do accrue to those who do. It is widely believed that there is widespread wiretapping by the Government of private conversations. Some letters from overseas are suspected of being opened by the Government while in the post office.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

People have not forgotten the events of December 8 and 9, 1982, when fifteen prominent opposition leaders were killed while in government custody; they remain circumspect about publicly criticizing the regime.

The press is not free; the Government continues to censure editors who publish what it does not like. In January 1985 the editor of one newspaper was called in and told to correct his "unpatriotic" reporting. He had printed a story on an internal Colombian matter on page one and had relegated a dispatch on Commander Bouterse's visit to Colombia to an inside page. In February, the editor of a church newspaper was called in by the authorities and warned that he was liable to be prosecuted for his criticism of the Government for its round-up and treatment of Guyanese alleged to have been in Suriname illegally. In July, the editor of a weekly was told to correct an article because it had insulted a high government official. The editor asked by letter which part of the article should be corrected and how. He did not receive a reply and no corrections were made. Similar pressures were experienced by the privately owned radio stations.

In April 1985, a new, privately owned radio station was opened; there are now three privately owned radio stations and one public radio station. There is one government-owned television station. There are two private daily newspapers and one private weekly newspaper. In addition, the Catholic and Moravian churches each publish a small weekly newspaper which often carry articles critical of the Government. The Lutheran and Reformed churches publish a combined monthly journal.

Surinamers listen freely to independent shortwave broadcasts from abroad, most especially to the Radio Netherlands World Service. There is no attempt by the Government to restrict this practice. Indeed, the Government complains often and loudly about Radio Netherlands' reports on Suriname, thus showing that it also carefully monitors these daily reports.

b. Freedom of Peaceful Assembly and Association

Political rallies which do not support the military and the Government are not permitted. Although pre-coup political parties had been banned for the past five years, some of their leaders met throughout the year with representatives of the Government to discuss democratization plans. Beginning on September 30, 1985, leaders of the three largest parties were authorized to meet with their members once again. People may assemble freely for social purposes. Initially,

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the Government strictly limited the number of persons allowed to meet party leaders, in one instance stationing an armored car at the meeting place to assure compliance with the headcount restriction. From December onward the numerical restrictions were relaxed. People may assemble freely for social purposes. Religious associations, clubs and fraternal societies operate without government interference.

Labor organizing, union elections, wage negotiations, and labor actions, including strikes, normally take place freely. However, labor leaders continue to be cautious in their dealings with the Government. Such caution is an indication of lingering intimidation prompted by the December 1982 killings of 15 prominent critics of the regime while they were being held in government custody. About half the labor force is unionized. Union and business associations affiliate with international bodies as they see fit. Three of Suriname's four labor federations and two business associations participate in the Government. This year business and labor nominated several cabinet ministers and named their respective representatives to the new National Assembly.

c. Freedom of Religion

There is freedom of worship. No one religion is favored above any other, nor is there discrimination against members of any religious group. Articles and programs sponsored by religious groups appear in the newspapers and on radio and television. Religious groups publish what they like without advance censorship, maintain international contacts as they wish and freely organize trips abroad. Despite the serious shortage of foreign exchange, the Government took steps to assure that an important pilgrimage to Mecca could take place. The Government allocated scarce foreign exchange to allow for the printing abroad of a commemoration book for another religious group. Foreign clergy are allowed to minister to the needs of both local and expatriate congregations. However, in August 1985, one foreign priest was expelled from the country for making statements from his pulpit critical of the Government's human rights abuses. Missionaries are allowed to enter the country and to proselytize.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration and Repatriation

Surinamers generally may travel as they wish, both within the country and abroad. There were two known cases of the authorities seizing or denying passports to persons to prevent them from traveling freely abroad. Both individuals were associated with opposition political views. Surinamers may move residences and change workplaces freely. They may take abroad only the equivalent of \$297 in currency per year, unless a special license is obtained, which is difficult to do. In order to buy a ticket to a destination other than Suriname Airways' terminal points, Surinamers must apply for a special license for the foreign exchange. These restrictions are the result of the extreme shortage of foreign exchange and were not instituted for political reasons. Surinamers may emigrate without interference. They may return to take up residence in Suriname at anytime, even after long periods abroad. In general, Surinamers who are identified with the pre-coup Government are not harassed. However, those regarded as enemies by the current regime would likely fear for their safety if they returned to the country. In its 1985 Human

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Rights report on Suriname, the Inter-American Commission on Human Rights expressed concern over reports of harassment, intimidation, and in some cases, the attempted assassination of political opponents of the Government living abroad.

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

Surinamers have been denied the right to change their government by democratic means since 1980. Effective power rests in the hands of the five member Military Authority which retains or delegates power as it sees fit. There have been no political elections since the military coup of February 1980. By decree the chairman of the Military Authority, Commander Desi Bouterse, was made Head of Government in August 1985 and the Government was composed of military, labor and business groups. A 31-member National Assembly was appointed in January 1985. Fourteen members were nominated by the military. Labor unions and a business association nominated the other 17 members. The principal task of the Assembly is the drafting of a new Constitution. The Assembly also has certain legislative powers. During 1985, leaders of Suriname's traditional political parties began a series of discussions with the Military Authority regarding future democratic political structures, which led to a signed agreement on November 23 between the military and the political leaders to continue the discussions, the goal of which is restoration of democracy. As a result of this agreement, each of the three parties nominated two members to participate in discussions on questions of a political or administrative nature in the Supreme Council, the top policy-making body of the Government.

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

In January 1985, the Government accepted a visit of a delegation of the Inter-American Commission on Human Rights. The delegates met with government, labor, business and church leaders and visited social projects.

In March 1985, the report of the United Nations High Commissioner for Refugees's special rapporteur on summary or arbitrary executions, Mr. S. Amos Wako, was released. According to the report, "summary or arbitrary executions took place on the night of 8-9 December (1982) in Fort Zeelandia...It was universally acknowledged to the special rapporteur that, in looking to the future, summary or arbitrary executions can be prevented if democracy is restored."

In August 1985, the Government appointed five persons to the "National Institute of Basic Rights and Duties of the Surinamese People," the long-awaited human rights commission. The Institute has as its main tasks the furthering of respect for the fundamental rights and duties of man, the study of national and international legislation to ensure that Suriname's laws are brought into compliance with international standards, the promotion of cooperation with the UN, the OAS and other organizations in the field of human rights, and the provision of information and support to organizations which wish to be informed about these fundamental rights and duties.

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Critics charge that the Institute does not have as part of its specific functions the investigation of individual complaints about human rights abuses. They fear that the Institute may not have the authority nor the ability to conduct independent investigations, and note it does not have an autonomous budget. However, by September 1985, two individual complaints were before the commission. So far, the commission has not acted on the complaints.

There are no nongovernmental human rights organizations within the country. The churches have on occasion spoken out against what they allege to be violations of human rights, most specifically during the campaign to round up aliens illegally in the country in January and February 1985; the Government responded by warning one church newspaper editor that he could be liable for prosecution for what he had written on the issue.

The Government is not actively involved in international or regional human rights bodies dealing with violations in other countries.

Amnesty International Report 1985 mentions judicial developments in the cases of the 14 persons held in military custody, the subject of the 1983 and 1984 reports. Freedom House rates Suriname "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

According to the latest government figures, Suriname has a population of 390,000, and its population growth rate, according to World Bank data for 1985, was two percent per annum. However, the Inter-American Development Bank's planning bureau estimated the population growth rate in 1982 at 3.1 percent per annum, while at least one local government agency puts it at 2.2 percent. Per capita gross national product, according to World Bank data, was \$3,420 in 1983.

Suriname's import oriented economy continued to suffer in 1985. Depressed international market prices for bauxite and its derivatives have weakened the country's ability to earn foreign exchange. As a result, many imported consumer goods and raw materials for industry are scarce. The private business sector has been hurt and the standard of living is dropping. Overall unemployment is estimated to be as high as thirty percent even though the government employs forty-two percent of the labor force. During the last decade, the country has lived above its indigenous means. This was possible because of generous amounts of Dutch development aid and, later, a drawing down of reserves. The aid has been suspended, the reserves are now gone, and the standard of living is dropping.

Latest figures available for life expectancy at birth is 66 years; infant mortality is 21 per 1,000 live births; adult literacy is 65 percent. The adjusted primary school enrollment ratio in 1978 was 103. In 1979 the caloric supply as a percentage of requirements was 119.

There is little effective government supervision of labor conditions. The Government has few inspectors and many conditions are not covered by regulation or law. For instance, there is no legal minimum wage in Suriname. On the other hand, the country enjoys a highly-developed labor movement with a tradition of effective bargaining over wages,

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benefits and working conditions. Approximately half of the workforce is organized. The unions are usually able to monitor working conditions and to enforce conditions of labor acceptable to national standards. Wages generally provide for an adequate standard of living for workers. The work-week in most companies is between thirty-nine and forty-five hours long.

The legal minimum age for employment of children is 14 except in the fisheries industry where it is 15. The Government is concerned that worsening economic conditions are encouraging the spread of child labor, and established a commission to study the problem. The commission did not examine the extent, form or causes of child labor, but concluded that economic decline contributed to an increase in child labor. The commission noted that economic growth would cause child labor to decline. The commission recommended that the legal minimum age for employment be raised from twelve to fifteen, that the government begin a study of the extent, form and causes of child labor and improve surveillance and enforcement of existing laws. In areas in which unions are organized, such as in industry and retail establishments, child labor does not exist.

Women have equal access to education and employment, although social pressures and customs still inhibit women from fully exercising these rights. Racial discrimination is prohibited and it is very uncommon in this multi-racial society. However, ethnic consciousness remains strong among all groups.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: SURINAME	1983	1984	1985	
I.ECON. ASSIST.-TOTAL...	0.1	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.1	0.0	0.0	
A.AID	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0	
B.FOOD FOR PEACE.....	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
TITLE I-TOTAL.....	0.0	0.0	0.0	
REPAY. IN \$-LOANS.....	0.0	0.0	0.0	
PAY. IN FDR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	0.0	0.0	0.0	
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0	
VOL.RELIEF AGENCY.....	0.0	0.0	0.0	
C.OTHER ECON. ASSIST...	0.1	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.1	0.0	0.0	
PEACE CORPS.....	0.0	0.0	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.1	0.0	0.0	
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
A.MAP GRANTS.....	0.0	0.0	0.0	
B.CREDIT FINANCING....	0.0	0.0	0.0	
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0	
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E.OTHER GRANTS.....	0.0	0.0	0.0	
III.TOTAL ECON. & MIL...	0.1	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.1	0.0	0.0	
OTHER US LOANS.....	0.0	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	0.0	0.0	
ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	
			1946-85	
TOTAL.....	0.7	0.0	0.0	59.3
IBRD	0.0	0.0	0.0	0.0
IFC	0.0	0.0	0.0	0.0
IDA	0.0	0.0	0.0	0.0
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.7	0.0	0.0	10.8
OTHER-UN	0.0	0.0	0.0	0.7
EEC	0.0	0.0	0.0	47.8

TRINIDAD AND TOBAGO

Trinidad and Tobago is a republic with a parliamentary style government. Its population of about 1.2 million inhabitants is 41 percent black and 41 percent East Indian. The ruling People's National Movement (PNM), traditionally supported by blacks and some East Indians, has governed the country since 1956. Opposition parties have contested every election and currently control 10 of 36 Parliamentary seats as well as the House of Assembly on the sister island of Tobago.

Trinidad and Tobago's legal system is independent and is similar to that of the British, with the Privy Council in London serving as the highest Court of Appeals. Although press reports occasionally allege improprieties on the part of individual officers, the Trinidad and Tobago police service as a whole is capable and professional.

Trinidad and Tobago has the third highest per capita income in the Western Hemisphere, although it has suffered recently as the worldwide oil glut continues to weaken its oil-based economy. The economy is mixed, with whole or partial government ownership of many major industries, but there is a strong tradition of private enterprise and private ownership of property. Social indicators such as longevity and infant mortality are closer to those of the First World than those of the Third World with which the Government identifies itself politically.

Trinidad and Tobago's human rights record remained good in 1985.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There were no politically motivated killings in 1985.

b. Disappearance

There were no reports of disappearance.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution forbids such treatment or punishment, and the law renders inadmissible in court any evidence obtained by such means. There are occasional reports in the media and charges in the courts that police have mistreated persons under arrest. The law permits victims to sue for damages in case of mistreatment.

d. Arbitrary Arrest, Detention, or Exile

Any person who is arrested may apply for a writ of habeas corpus. The police usually charge a suspect within 48 hours of arrest, but can obtain a court order to hold a person longer in order to get further evidence. Recent articles in the press have called into question the long-standing police practice of detaining suspects for questioning. This practice has traditionally been accepted by the public and the judiciary, but a 1985 court decision led to questions .

TRINIDAD AND TOBAGO

regarding the correct interpretation of the law, specifically, the length of time that a detainee may be held without being charged. This court decision awarded compensatory damages to a group of persons who were detained for questioning but never charged. Trinidad and Tobago has no specific laws regarding forced labor. However, as a member of the International Labor Organization (ILO) Trinidad and Tobago has adopted the ILO conventions on forced labor.

e. Denial of Fair Public Trial

In law and in practice, accused persons are accorded a fair and public trial by an independent judiciary, from which appeals may be made to the Court of Appeals and to the Privy Council in London. The judiciary and legal system are understaffed and overworked, and a large backlog of cases has led to delays in bringing some accused persons to trial. Although accused persons generally may be freed on bail pending trial, persons accused of murder are not eligible for bail under current procedures.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution and law prohibit such arbitrary interference, and these prohibitions are generally respected in practice.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The constitutional right of freedom of expression is protected and enhanced by the independent judiciary, by the country's democratic and pluralistic system, and by the privately owned print media. Government-owned Trinidad and Tobago Television (TTT) enjoys a monopoly on local television transmission, and its coverage tends to support the Government.

In 1984, a prominent member of the opposition filed a motion against TTT protesting the station's refusal to air one of his speeches. A High Court judge ruled in favor of the plaintiff in 1985, declaring that TTT had "unreasonably withheld the right of equality of treatment from a public authority." TTT was ordered to submit a statement of policy regarding political broadcasting time allotments to the court. The Government appealed the case, however, and won the appeal on the grounds that the judge had overstepped his authority by dictating TTT policy.

The Government has failed to act on a long-standing application of a large number of businessmen to launch a private television station. Of the two radio stations currently in operation, one is government-owned and the other is private but government-licensed. The private station recently had its license renewed, but government officials have reminded the media that the government intends to retain control of broadcasting through the need for licensing approval.

b. Freedom of Peaceful Assembly and Association

These freedoms are protected by law and are respected in practice. Permits for street meetings, marches, or other demonstrations are required in advance but are normally

TRINIDAD AND TOBAGO

granted, including to critics of the Government. The right of workers to organize and bargain collectively is protected by law, and about 30 percent of the work force is organized into trade unions. The unions are grouped primarily into two labor congresses, one of which tends to take a moderate stance in government/labor disputes, while the other follows a more radical course. The Ministry of Labor acts as an impartial conciliator in collective bargaining impasses. Unions may strike and employers may lock workers out if the Ministry is unsuccessful in resolving the labor dispute, certifies the dispute as unresolved, and refers it to the Industrial Court. The Industrial Court is empowered to impose a binding settlement on the parties. In 1985, union leaders occasionally complained that the police intimidated striking workers on picket lines and that the Government tacitly supported the employers in their programs of large-scale retrenchments. However, the unions' rights generally are respected by the Government. Unions and professional associations maintain relations with international organizations.

c. Freedom of Religion

The right to practice one's religion is guaranteed by the Constitution and respected in practice. There is no state religion. Missionaries and clergy are generally permitted to enter Trinidad and Tobago to proselytize or to serve the members of their group. There are large groups of Christians, Hindus, and Moslems in Trinidad and Tobago. There is no religious test for public office.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

These freedoms are fully respected. Many thousands of citizens have emigrated in search of better economic opportunities, particularly to the United States, Canada, and the United Kingdom. Many thousands from Caribbean Commonwealth countries, such as Grenada, St. Vincent, St. Lucia, and Guyana, have immigrated to Trinidad and Tobago for the same reason.

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

The people of Trinidad and Tobago choose their government by electing a House of Representatives in free, multiparty elections held at least every 5 years. The leader of the opposition has the right to be consulted by the President on appointments, including those to the Elections and Boundaries Commission which draws constituency boundaries and conducts the elections. There are credible opposition allegations that the nominally independent Commission has actually supported the People's National Movement (PNM) in the past by gerrymandering constituencies in its favor. The PNM has won all elections since 1956, but its victories can be attributed principally to its political skills and to divisions among the opposition. The Constitution permits Commonwealth citizens who are legal residents and 18 years of age and older to vote.

Several opposition parties joined to form a single National Alliance for Reconstruction (NAR) in 1985. These parties individually won control of 6 of the 7 county councils in the 1983 local elections.

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

Trinidad and Tobago has not been the subject of international human rights investigations. In addition to the judiciary, where claims of human rights violations are actionable, there is an Ombudsman who can investigate alleged violations of citizens' rights in the application of a law or policy and report the findings to Parliament. Trinidad and Tobago has a local independent Bureau of Human Rights Issues, as well as a local branch of Amnesty International. Amnesty International's 1985 report did not comment on Trinidad and Tobago. Freedom House rates the country as "free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Because of its oil revenues, in the past decade Trinidad and Tobago attained a per capita gross national product of \$7,183 (1984), highest in the Western Hemisphere after the United States and Canada. The population of 1.2 million inhabitants has a growth rate of 1.5 percent a year. Life expectancy at birth is 69.2 years, and infant mortality was 20.9 per thousand live births. Education and literacy are nearly universal. In 1970, average literacy was 92.2 percent (male 94.7 female 89.7). Further indications of the standard of living are the percent of the population with access to safe water in 1980 (urban 100 percent; rural 93 percent) and the 100 percent of caloric supply available for consumption relative to nutritional requirements in 1977. However, 39 percent of the rural population was below the absolute poverty level in 1977.

The laws of Trinidad and Tobago prohibit the employment of children under the age of 12. Children between the ages of 12 and 18 may be employed only in family businesses with the exception that children between the ages of 16 and 18 may be employed in certain industries specifically exempted from the law by order of the President.

There is no minimum wage rate in Trinidad and Tobago. However, minimum wages have been set in three occupational categories (gas station attendants, shop clerks, and domestic servants) by order of the Minister of Labor. The Minister's rationale was that these industries were difficult to organize and that, therefore, the workers wouldn't be protected by collective bargaining.

Occupational health and safety is covered by the 1948 Factories Ordinance Bill. Because of shortcomings of the 1948 bill, a new Occupational Safety and Health Bill reflecting changes in Trinidad and Tobago's industry has been circulated for public comment, but has not yet come before Parliament. The new bill is expected to prompt extensive debate when brought before Parliament some time during 1986.

Women enjoy equality under the law. Many have positions in the Government, civil service, political party leadership, business, and other professions, although their presence in these positions is not in proportion to their numbers in the population. Women currently serve in Parliament and women's groups are quick to speak out on women's rights.

TRINIDAD AND TOBAGO

Within the Indian community, signs of the Hindu caste system remain. Blacks believe they are not treated as well as whites and those of mixed blood. Individual Tobagonians enjoy equality of treatment but believe that Tobago itself receives far less development money than Trinidad. These individuals perceive these conditions as limiting social and economic opportunities available to them.

In Trinidad, opposition supporters say that areas which historically have supported the ruling party have more roads, telephones, and schools than those backing opposition parties.

URUGUAY

On March 1, 1985, the Uruguayan military ended its twelve-year rule and handed over power to the elected civilian Government of President Julio Maria Sanguinetti. Thus Uruguay returned to its traditional form of government--an elected constitutional democracy with an executive branch, an independent bicameral legislature, and an autonomous judicial system. The return to democracy was marked by a high level of political participation by all sectors of the population, unrestricted political debate, and broad access to the media by the major political parties.

The year 1985 saw the culmination of the gradual loosening of political restrictions, a process initiated in 1983 and continued in 1984. Soon after taking office, the Sanguinetti Government released all remaining political prisoners, lifted remaining censorship, and lifted proscriptions from those few political groups still outlawed, including the Uruguayan Communist Party and the National Liberation Movement-Tupamaros. The legislature and judiciary began to function normally without outside interference. University autonomy was reinstated, and proscribed student organizations re-emerged, holding in September their first free elections since 1973. An independent labor movement also reappeared and, by the end of 1985, most labor unions had held elections for new officers.

Though continuing to suffer the effects of an economic recession, Uruguay remains one of the more advanced developing countries. Its economy is largely one of free enterprise with the Government regulating monopolies in key sectors and controlling prices on many basic items.

Uruguay's political transition brought with it dramatic improvements in the area of human rights. Accusations of political killings, torture and disappearances ceased. Restrictive laws and acts passed under military rule were repealed, and the 1967 Constitution, which guarantees habeas corpus and freedom from arbitrary arrest, was reinstated. Congress set up commissions to handle the issues of restitution for those who had lost their jobs for political activities and to investigate violations of human rights which occurred during the military regime. President Sanguinetti indicated before his inauguration that the policy of his Government would be "justice, not revenge," and that obstacles would not be placed in the way of legal proceedings against those accused of human rights violations. In general, Uruguayans enjoyed a freedom and openness in political life which they had not experienced since the late 1960's, and they responded to it with a high level of civic consciousness and political involvement.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There were no cases of political killings in Uruguay in 1985.

b. Disappearance

There have been no cases of political disappearances reported in Uruguay since 1978.

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According to a 1985 bicameral Congressional Commission report on disappearances, 164 confirmed disappearances occurred during the period 1973 to 1978. Of these 32 occurred in Uruguay, 127 in Argentina, 3 in Chile and 2 in Paraguay. The report noted that witnesses had named 46 military personnel as possibly being implicated, some of whom may still be on active duty.

c. Torture and Cruel, Inhuman or Degrading Treatment or Punishment

Local human rights groups reported no cases of torture or deliberately inhumane treatment in 1985.

In February the de facto military Government granted early release to 111 persons convicted of "subversive activities", including many whom the local human rights group "Servicio Paz y Justicia" (SERPAJ) recommended be released early for medical reasons. In March the La Libertad and Punta de Rieles national security prisons, were closed. Local human rights activists have suggested improvements in what they consider to be adverse living conditions in remaining Uruguayan penal institutions, contingent upon the availability of adequate funding.

d. Arbitrary Arrest, Detention or Exile

There were no reported cases of arbitrary arrest, detention or exile in Uruguay in 1985.

In March, the new Government released all remaining political detainees, together with a substantial number of detainees held on ordinary criminal charges.

The Constitution of 1967, which replaced the previous Military Code of Justice, requires a written warrant for arrest if the person is not caught in the act and guarantees the right of habeas corpus. It also requires that an arrested person be allowed to give a statement before a judge within 24 hours, that he have a right to counsel in such proceedings, and that he be informed of the charges against him. The judge must begin the juridical process within 48 more hours. In criminal trials which may result in a penitentiary sentence, bond is allowed, with the amount determined by law according to the seriousness of the charge. The death penalty and brutal treatment in prisons are both outlawed by the Constitution, which declares that prisons shall be used only for rehabilitation and re-education. Military justice can be applied to civilians only during a state of war or insurrection. All of these constitutional safeguards are now in force and respected.

Forced or compulsory labor does not exist.

e. Denial of Fair Public Trial

Full autonomy of the judiciary returned with the new Government, and military officers who had been appointed to the Supreme Court or the higher Appeals Courts retired from their posts. According to the 1967 Constitution, all trials shall be public, and trials by commission or in absentia are prohibited. Each trial must be opened by a public statement of the charge by a public prosecutor or complaining witness. Uruguayan legal tradition calls for judges, without the use of

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juries, to hand down decisions on the basis of written summaries, which are not available to the public. Several lawyers and human rights groups have advocated re-examination of the current judicial process in an effort to make it more efficient. Ideas include the institution of jury trials, tighter juridical supervision over pre-trial investigations by police, and the institution of a judicial police force. At present judges have to call on local police forces to carry out judicial decrees, which often slows the process considerably due to the volume of other work for which the police are responsible.

There are currently no political prisoners in Uruguay. Those who, like Blanco Party President Wilson Ferreira Aldunate, were free on bail pending trial had the charges against them dropped. Others, who had already been tried, were pardoned by President Sanguinetti.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence

The Constitution affirms the inviolability of the home, which is absolute at night and subject to possession of a proper warrant during the day. Private papers and correspondence are also considered inviolable unless a proper legal warrant or exception has been obtained.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Freedom of speech became universal after March 1, 1985. The press censorship maintained by the de facto military Government was lifted, and oppositon viewpoints are once again freely expressed. New newspapers, including those financed by such previously proscribed organizations as the Communist Party and the March 26 Movement (political action arm of the Tupamaros) quickly appeared. Criticism of the Government is freely tolerated; academic freedom and university autonomy have been reinstated. Formerly-banned student organizations are active once again, and many professors who were fired by the military regime for ideological reasons have returned to their university positions.

b. Freedom of Peaceful Assembly and Association

The last restrictions on peaceful assembly and association were lifted in early 1985, with the lifting of proscriptions against remaining outlawed groups such as the Communist Party and the Tupamaros. No license is required for public marches and demonstrations, which occur frequently and without harassment. Citizenship rights denied to individuals by the military on the basis of political affiliation and activity have been reinstated.

Workers have the right to organize freely under the Constitution, which encourages the creation of both unions and arbitration boards. The formerly-outlawed Interunion Workers Assembly and National Workers Association (PIT-CNT) has vigorously resumed activity. Most labor leaders proclaim their adherence to the theory of class struggle and seek a political role for unions. Among the political parties, only the Communist Party has traditionally exercised any significant influence in the labor movement.

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Both in law and in practice, workers have the right to associate, strike, and bargain collectively. The current Government recognizes the importance of these rights and is promoting them through proposals now before the Parliament which would prohibit the firing of workers for union activities and create salary councils to promote collective bargaining in which labor, management and government are represented. Those trade and professional associations which wish to participate in the general labor movement may do so. All are free to join international bodies. At present Uruguayan labor is not affiliated with any of the international labor federations, although it has observer status in all three.

c. Freedom of religion

Religious freedom is constitutionally guaranteed and respected. Although a majority of Uruguayans consider themselves Catholics, the church plays a less important role than in most Latin American countries. Missionaries from external religious groups are not hampered in the exercise of their calling.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration and Repatriation

There are no restrictions on internal travel, nor is the right to foreign travel and emigration restricted. There is considerable concern for the 300,000 or so Uruguayans who departed the country, voluntarily or otherwise, during the military regime. Notwithstanding the fact that many of these individuals left Uruguay for economic rather than political reasons, a parliamentary committee on repatriation has been formed to consider ways in which those who wish to return might be aided and encouraged.

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

Uruguay is a multiparty, parliamentary democracy, with mandatory universal suffrage at age 18. There are no voting restrictions based on race, sex or economic status. The country's major political parties--Colorado Party, Blanco (National) Party and Broad Front (leftist coalition)--have kept their cohesion by allowing each ideological current within the party to run its own slate of candidates. National elections are held every five years; the next one is scheduled for November 1989.

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

Since the Sanguinetti Government took office in March 1985, Uruguay has not been a focus of concern of internationally-based human rights organizations. The Government is completely open to such organizations, and human rights investigators are placed under no restrictions as to where they can go and who they are allowed to interview.

Of local human rights groups, the most prominent continues to be Servieio, Paz y Justicia (SERPAJ), a non-denominational group supported by several religious bodies, which has ties with similar groups throughout Latin America. It operated

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underground for the last two years of the military Government but was legalized in early 1985. It now devotes itself to investigating both non-political human rights issues, such as prison conditions, and more politically sensitive questions involving cases of death, torture and disappearance which occurred during the 1973-1985 period. Another local group, the Foro Juvenil (Youth Forum) operated openly throughout the last years of military rule and carries out research on conditions encountered by youth, women and minorities. Several professional associations, including the Uruguayan Bar and Medical Associations, have human rights committees which investigate members accused of complicity with human rights violations during the military Government. The Uruguayan Human Rights Commission, a group of lawyers and legislators formed during the last years of military rule, dissolved itself in late 1985, announcing that with the return of civilian, democratic rule, the reasons for its existence had passed.

The years of military rule made most Uruguayans highly conscious of human rights issues, both at home and in other countries. Human rights developments elsewhere are well reported in the local press, with particular attention paid to other Latin American countries. The Sanguinetti administration has announced that Uruguay intends to belivgorously active in the UN and regional groups on human rights issues.

Amnesty International Report 1985 (which covers events only through the previous year and thus does not reflect changes after the return to democracy on March 1, 1985) expressed concern about the large number of political prisoners in 1984, the use in 1984 of military courts to try civilians on political charges, and the use of torture, and inhumane prison conditions. Freedom House rates Uruguay "free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Uruguay had a population of 2,936 million in 1985 with a zero growth rate. The per capita gross domestic product of U.S. \$1,655 continued to decline from the levels of previous years. The incidence of extreme poverty is low, although it has probably increased over the last year. Inflation was expected to top 60 percent in 1985. Unemployment has risen from less than 6 percent in 1981 to an officially estimated 14 percent in 1985. The index of real wages is currently about 48.5 percent below what it was in 1968. The vast majority of the population enjoys an adequate diet and at least a minimally acceptable standard of living.

In 1985, life expectancy at birth was 73 years and infant mortality was 26 per 1,000 live births, down slightly from last year. In 1985, 80 percent of the total population, and 96 percent of the urban population, had access to safe water. The caloric supply available for consumption in Uruguay in 1977 was 103 percent of nutritional requirements.

Uruguay had a 94 percent literacy rate in 1975, and virtually all children receive a mandatory primary school education. The adjusted primary school enrollment ratio was 115 in 1982. Secondary school enrollment is relatively high, and university education is free. Male students outnumber females in higher education by only a slight margin.

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Uruguay has long been one of the most advanced countries in Latin America in terms of worker rights. Child labor is not permitted until after a child has obtained primary education. Children are generally not employed below the age of 15, but children of 12 or above can work with special permits from the Government. Dangerous, fatiguing or night work, apart from domestic service, cannot be performed by children under 18, and hours and pay are more strictly regulated than for adults. Children 16 or over can sue in court for payment of wages, and the right of child laborers to dispose of their own wages is mandated by law. Children working in the informal sector (street vendors, itinerant laborers and others without a permanent seat of operations) or in agrarian work are less strictly regulated and generally lower paid.

For adults, the usual basic work schedule calls for no more than an eight-hour day and 48-hour week. After one year of service, workers are entitled to 10 paid days of vacation, which increases with additional years of service. Wages must include a Christmas bonus in addition to paid vacation. Workers are at least theoretically protected by minimum wage legislation and laws regulating the health and safety of working conditions. Wages are generally determined by tripartite salary councils, which promote voluntary negotiations between employers and unions. The 47 councils, which cover all private sector activity, meet every four months.

Women in Uruguay are accorded equality before the law. They attend the National University and pursue professional careers in large numbers. Women serve on the Cabinet, in the Supreme Court, and in the diplomatic corps, including at the ambassadorial level. Although there are currently no women in Congress, several serve as alternates. Some barriers to equality still exist as a result of traditional social patterns and restricted employment opportunities. Pay is not always equal for men and women, especially for the less skilled workers in the private sector. Uruguay is a signatory of the 1948 Interamerican Convention on Political Rights for Women, but has not yet acceded to the 1953 U.N. Convention on Political Rights of Women.

U.S. OVERSEAS - LOANS AND GRANTS - OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S. FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: URUGUAY

	1983	1984	1985
I. ECON. ASSIST.-TOTAL...	1.0	0.6	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.0	0.6	0.0
A. AID	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
(SEC. SUPP. ASSIST.)...	0.0	0.0	0.0
B. FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN \$-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E. RELIEF, EC. DEV & WFP.	0.0	0.0	0.0
VOL. RELIEF AGENCY.....	0.0	0.0	0.0
C. OTHER ECON. ASSIST....	1.0	0.6	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.0	0.6	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	1.0	0.6	0.0
II. MIL. ASSIST.-TOTAL...	0.1	0.1	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.1	0.1
A. MAP GRANTS.....	0.0	0.0	0.0
B. CREDIT FINANCING....	0.0	0.0	0.0
C. INTL MIL. ED. TRNG....	0.1	0.1	0.1
D. TRAN-EXCESS STOCK...	0.0	0.0	0.0
E. OTHER GRANTS.....	0.0	0.0	0.0
III. TOTAL ECON. & MIL...	1.1	0.7	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.1	0.7	0.1
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0
ASSISTANCE FROM INTERNATIONAL AGENCIES			
	1983	1984	1985
TOTAL.....	49.1	167.3	72.9
IBRD	45.0	0.0	64.0
IFC	2.8	0.0	8.9
IDA	0.0	0.0	0.0
IDB	0.0	167.8	0.0
ADB	0.0	0.0	0.0
AFOB	0.0	0.0	0.0
UNDP	1.3	0.0	0.0
OTHER-UN	0.0	0.0	0.0
EEC	0.0	0.0	0.0

VENEZUELA

Venezuela is a republic, with an active democratic multiparty system, energetic information media, strong unions, and an ardent commitment to democracy.

Venezuela has enjoyed 27 years of democracy with power passing peacefully back and forth between the two major political parties. President Jaime Lusinchi and his Accion Democratica Party took the reins of government in February 1984 from the Social Christian COPEI party, defeated in the December 1983 presidential elections.

Venezuela has a mixed economy, with a large public sector. The state-owned petroleum industry accounts for some 20 percent of the gross national product, more than any other industry. During the last few years, Venezuela has experienced economic problems resulting from a worldwide decrease in the demand for petroleum, a large foreign debt, and high government spending. Social benefits and supportive extended families have somewhat cushioned the impact of unemployment.

Human rights violations, when they occur, tend to be well publicized and investigated. Venezuela is an active participant in international human rights forums and is noted within the hemisphere as a proponent of civil liberties and democratic rule. The principal focus of human rights discussion within Venezuela is on deficiencies in the country's judicial system. Delays in the trials of detainees are frequent, and there have been allegations of improper influence in the courts. Revisions of civil and criminal law procedures and codes are slowly proceeding.

Inadequate prison conditions have been the subject of official reports, which focus on overcrowding. The prison population is reportedly double the capacity of the penal system's physical plant.

Guerrilla activity has not been a major problem since the late 1960s. There are occasional reports of small guerrilla groups in remote frontier areas, but they do not constitute a threat to Venezuela's security.

There was little change in the overall human rights situation in 1985.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

Authorities do not permit or engage in unlawful or arbitrary killing for political motives. There have been instances of police and security forces shooting and killing criminal suspects on sight. Although not condoning these occurrences, the authorities have not acted effectively to stop them.

b. Disappearance

Police authorities do not abduct, secretly arrest, or hold people in clandestine confinement. The authorities have resorted to the use of checkpoints to induct young men who

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have evaded obligatory military service. The inductees are at times held incommunicado for a month with no word to family or friends as to their whereabouts or physical condition.

There are occasional kidnappings for ransom, especially on Venezuela's border with Colombia. Some of these may be attributable to small guerrilla groups crossing the border.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Venezuelan law prohibits the torture of prisoners; this prohibition is respected in practice. Guarantees for the integrity of the individual embodied in the Constitution are enforced.

Laws prohibiting cruel, inhuman, or degrading treatment or punishment are generally respected. Some infractions occur, however, because of excesses on the part of local law enforcement officials or inadequate supervision of prison guards. Prison conditions are spartan, at times very poor; many prisons are seriously overcrowded, discipline is sometimes inadequate, and violence does occur, especially in the more crowded prisons. Those responsible for such violence are not known to be punished. A contributing factor is the low educational level and limited training of many prison guards.

d. Arbitrary Arrest, Detention, or Exile

Habeas corpus is a right guaranteed by law and is respected. Arrested persons legally cannot be held more than eight days without formal charges. The limits are frequently exceeded, however, usually because of inefficiencies in the legal system.

According to the Attorney General's 1984 report, approximately 75 percent of the 24,000 persons in prison have not yet been brought to trial.

The case of four individuals charged with the bombing of a Cuban airliner and detained since 1976 still has not been resolved. Following a ruling finding the earlier charges defective, the case is now being retried.

The detention of undocumented foreign workers, mainly from Colombia, may have diminished as illegal immigration has declined. Once in police custody, undocumented foreign nationals are frequently held incommunicado for three to six months without trial before being deported.

There is no forced or compulsory labor; unremunerated labor is prohibited by law.

e. Denial of Fair Public Trial

Fair trial is guaranteed by law and usually observed in practice. The accused is presumed innocent until guilt is proved beyond a reasonable doubt. Civilians charged with armed subversion are tried by military courts.

The civilian judiciary is independent but in practice is not immune from influence by the political parties. In response to the current administration's campaign against corruption, there has been increased public sensitivity to the

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qualifications of judges, the quality of their work and their susceptibility to outside influence. The Judicial Council, an independent body responsible for the training, nomination and disciplining of judges, actively investigates allegations of inappropriate conduct, and has taken severe disciplinary action in a number of cases. The administration is aware that further efforts are required.

There are periodic press reports regarding alleged political prisoners in Venezuela. These persons--numbering several dozens--are considered insurgents by the Government and prosecuted by the military courts where the state is under no enforceable time limit in adjudicating the cases.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution and laws provide safeguards against arbitrary interference with privacy, family, home, or correspondence. These safeguards are honored in practice.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Venezuela boasts a free and vigorous daily press, three nationwide television networks, a regional television station, about 156 radio stations, and numerous magazines; they are frequently highly critical of the authorities. The Government owns and operates two of the four television networks and two of the radio stations. Venezuela's print media are privately owned.

b. Freedom of Peaceful Assembly and Association

Freedom of peaceful assembly and association is respected. Public meetings, including those of all political parties, are held frequently, without interference. In the interest of public safety, permits are required for protest marches.

An object of "special protection" under the Constitution, labor unions are free, independent, and powerful. They have the right to strike and to bargain collectively. Unions associate with the recognized public and private international bodies in their fields. The Confederacion de Trabajadores de Venezuela, an International Confederation of Free Trade Unions affiliate, dominates organized labor in Venezuela, and has close ties to the ruling AD party. Other confederations occupy a lesser role on the labor scene, including two which are of Christian Democratic orientation and which are affiliated with the Latin American Confederation of Workers and have ties to the World Confederation of Labor.

Professional and academic associations flourish without interference.

c. Freedom of Religion

The population is overwhelmingly Roman Catholic. Most religious groups enjoy freedom of worship and are allowed to proselytize actively. A number of Protestant evangelical groups in remote areas of Venezuela are performing humanitarian as well as missionary work among the local population.

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d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens of Venezuela generally have freedom of movement to travel within the country and abroad and to return. The one exception pertains to travel in the Amazon Region of the country, which requires a special permit for security reasons.

Venezuelans may emigrate without restriction. Citizenship can be renounced. The Constitution provides for the revocation of citizenship for naturalized citizens on specific and limited legal grounds. Recovery of nationality requires a residence period of two years for Venezuelan-born repatriates.

Venezuela has traditionally been a haven for refugees and displaced persons from many European and Latin American countries. As Venezuela does not recognize a "refugee status" for entry, refugees are given normal residence status and once within the country are expelled only for criminal activities. A special "family reunification program" exists for Cuban refugees living in Venezuela.

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

The Government is freely elected. As a multiparty democracy, the political process is open to all; opposition views are freely expressed and persons from the entire political spectrum contend for positions ranging from municipal council seats to the nation's presidency.

Some of the minor parties are outgrowths of former guerrilla organizations, and they currently hold about seven percent of the seats in the national legislature. Their participation in the political process is encouraged and supported by the two major centrist parties, Social Christian and Social Democrat, reflecting a widespread desire to have radical elements participate in the electoral process rather than engage in armed insurrection. These minor, mainly leftist, parties have been unable to win the electoral sympathies of voters and, as a consequence, they currently appear to be incapable of increasing their percentage of representatives in the national legislature.

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

Venezuela is a frequent and vocal critic of non-democratic governments in Latin America and elsewhere that commit or tolerate widespread human rights violations. It supports international human rights organizations. An Amnesty International office and the Latin American Foundation for Human Rights and Social Development operate freely in Caracas. Venezuela in 1985 was the site of several international forums dealing with the issue of human rights. Venezuela is a member of the UN Human Rights Commission.

Freedom House describes Venezuela as "free." Amnesty International's 1985 report expresses concern about the prolonged detention without judgment of civilians held under the military justice system.

VENEZUELA

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

In 1985, the population was 17,317,000 with a growth rate of 2.7 percent. The per capita GNP was \$3840 (1983 figure).

Venezuela continued to experience economic difficulties in 1985 that required retrenchment of public sector spending and an upward adjustment of prices to reflect real costs. There was an estimated unemployment rate of 15 percent, an increase in business bankruptcies, and a considerable decrease in general purchasing power. Although the Government has sought to cushion the social effects, the poorest stratum of the population lives a marginal existence worsened by these adverse economic conditions. Despite austerity, the Government continues efforts to improve education, housing, and public health services for poorer Venezuelans. It has adopted a series of compensatory measures to offset the impact of decreased buying power on poorer workers and is actively seeking to create new jobs and combat inflation.

Life expectancy at birth is 68.5 years and the infant mortality rate is 37.3 per 1,000 live births. The ratio of caloric supply available for consumption relative to nutritional requirements was 101.6 percent in 1981. The adjusted primary school enrollment ratio was 102 per cent in 1981 and the adult literacy rate was 85 percent in 1985.

The law sets a minimum age of 14 for employment, and then with certain restrictions applying. The Government establishes a minimum wage. There is an eight hour workday and a 48 hour workweek for workers over age 16. The law provides for health and safety regulation and inspection of the workplace.

The Constitution prohibits discrimination on the basis of sex and accords women and children "special protection" in the workplace. Women workers receive extensive maternity leave benefits, and laws limit their amount of involuntary overtime. Women are heavily represented in many of the professions but continue to be underrepresented in the political and economic sectors and differences still exist in wage and employment opportunities. Overall there is a firm trend toward greater equality for women. Recent reforms in Venezuelan laws have been designed to promote greater economic rights for women.

Women are increasingly active in all political parties, professions, public administration, and the judiciary. About a dozen are members of the Chamber of Deputies, including one who is the assistant leader of the AD parliamentary faction and another who is a vice president of a permanent committee. Both major political parties have women members on the national executive committees.

Restrictions on property rights based on sex, religion or social status do not exist, but there are some restrictions on ownership of business property based on nationality.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: VENEZUELA

	1983	1984	1985	
I.ECON. ASSIST.-TOTAL...	0.1	0.4	0.8	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.1	0.4	0.8	
A.AID	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0	
B.FOOD FOR PEACE.....	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
TITLE I-TOTAL.....	0.0	0.0	0.0	
REPAY. IN \$-LOANS.....	0.0	0.0	0.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	0.0	0.0	0.0	
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0	
VOL.RELIEF AGENCY.....	0.0	0.0	0.0	
C.OTHER ECON. ASSIST...	0.1	0.4	0.8	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.1	0.4	0.8	
PEACE CORPS.....	0.0	0.0	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.1	0.4	0.8	
II.MIL. ASSIST.-TOTAL...	0.1	0.0	0.1	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.1	0.0	0.1	
A.MAP GRANTS.....	0.0	0.0	0.0	
B.CREDIT FINANCING.....	0.0	0.0	0.0	
C.INTL MIL.ED.TRNG.....	0.1	0.0	0.1	
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E.OTHER GRANTS.....	0.0	0.0	0.0	
III.TOTAL ECON. & MIL...	0.2	0.4	0.9	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.2	0.4	0.9	
OTHER US LOANS.....	12.0	0.0	0.0	
EX-IM BANK LOANS.....	12.0	0.0	0.0	
ALL OTHER.....	0.0	0.0	0.0	
ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	
			1946-85	
TOTAL.....	0.4	64.8	514.0	1220.0
IBRD	0.0	0.0	0.0	349.0
IFC	0.0	0.0	0.0	25.4
IDA	0.0	0.0	0.0	0.0
IOB	0.0	64.3	514.0	808.7
AOS	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.4	0.5	0.0	35.8
OTHER-UN	0.0	0.0	0.0	2.1
EEC	0.0	0.0	0.0	0.0

EAST ASIA AND THE PACIFIC

AUSTRALIA

Australia is a longstanding multiparty parliamentary democracy operating within a federal system of government. The next federal elections must be held before March 1988.

Australia's developed industrial economy, with important mining and agricultural sectors, provides most Australians with a high per capita income. Furthermore, the Government provides assistance for the minority of relatively disadvantaged citizens. Individuals are free to hold private property, to pursue their economic interests, and to organize trade unions.

Australia has been in the forefront of those countries promoting human rights both domestically and internationally. Fundamental human rights are guaranteed by law and respected in practice. The Government makes a major effort to investigate reports of discrimination. Protection of the rights of Australia's approximately 180,000 aboriginals is a demonstrated concern of the Government, which recognizes that they are the group in Australia most disadvantaged economically and by societal discrimination, currently and historically. Aboriginal land rights remain an issue of controversy in Australia but the present federal Government is committed to some form of national legislation on the issue.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There were no known instances of politically motivated killings in 1985.

b. Disappearance

There are no known instances of political disappearance.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Australian law prohibits all these practices, and this prohibition is respected.

d. Arbitrary Arrest, Detention, or Exile

Australian law prohibits arbitrary arrest and imprisonment, and this prohibition is respected in practice. Australia has ratified and fully respects International Labor Organization (ILO) Convention 105 concerning forced labor.

e. Denial of Fair Public Trial

Australian law guarantees the right to both a fair hearing and a fair public trial with an unimpeded right of counsel. Free counsel is provided to indigents accused of crimes.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Under Australian law and in practice, no search may be conducted without a judicially issued warrant. Australia is a

AUSTRALIA

nation of liberal political traditions and common law, and the Government does not interfere in the private lives of individuals.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

A functioning democratic political system, an effective judiciary, and an independent press combine to insure freedom of speech and the press.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly is guaranteed in Australia. Australian law and practice afford workers great freedom to establish and to join trade unions, to choose their union representatives, to formulate union programs, and to be represented in negotiating the prevention and settlement of disputes with employers. Unions are extremely active and powerful.

c. Freedom of Religion

There is complete freedom of religion. There is no established church, and Australians are free to maintain links with coreligionists abroad. In 1985, the Government gave control of Ayers Rock, a sacred site for aboriginals, back to their complete control.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on movement within or outside of Australia, including the right of emigration and repatriation.

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

Australians participate in their government by electing a two-chamber federal parliament as well as numerous state and local bodies. Voting is compulsory in general elections for Australians 18 and over.

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

It is the Government's policy to respond to any communication it might receive from the United Nations alleging violation of human rights in Australia. The Government also allows unimpeded access to all international and nongovernmental groups investigating supposed human rights violations.

The 1985 Amnesty International Report had no entry on Australia. Freedom House rates Australia as "free." Internally, during the 12 months from August 1984 to August 1985, the Australian Human Rights Commission investigated about 1,000 complaints under the 1985 Sex Discrimination Act, and about 400 complaints under the Human Rights Commission Act.

Internationally, Australia has been active in promoting human rights as a member of the United Nations Human Rights

AUSTRALIA

Commission, the United Nations Working Group on Indigenous Populations, and other forums.

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Australia's 1985 population of 15,629,000 was growing at the rate of 1 percent a year. Forty percent of the Australian population is either foreign born or first generation Australian, an indication that Australian society is still rapidly evolving and is increasingly multicultural. Australia is an affluent country, enjoying one of the highest living standards in the world. In 1983 the per capita gross national product was US\$11,490.

In 1985 the infant mortality rate was 8.9 per 1,000 live births while life expectancy at birth was 74.7 years. About 27.9 percent of the 1984-85 federal budget was devoted to social security and welfare. Basic food, shelter, health care, education, and social security benefits are guaranteed for the entire population, including recent immigrants.

Australia has long had a tradition that workers should be guaranteed a decent standard of living. The minimum wage is reviewed every six months by the federal Arbitration and Conciliation Commission with this in mind. A complex body of regulations and commission decisions prescribes the 40-hour (often 38) week, paid vacations, health and safety standards in the workplace, as well as other benefits, for the overwhelming majority of Australian workers. Australia is in the forefront of countries adopting regulations protecting children from dangerous or unsuitable employment.

Women comprise 38.5 percent of the Australian work force. Although women are beginning to enter jobs previously occupied only by men, they remain concentrated in a narrow range of occupations predominantly occupied by females, characterized by low pay and low status. In 1985 the Government was considering voluntary affirmative action legislation.

The Government acknowledges that the aboriginal population is the most disadvantaged group in such areas as education, housing, health, and employment. The Government has a broad range of programs aimed at providing Aboriginals services available to other Australians, plus additional services to improve their socioeconomic conditions. In 1985 the Cabinet endorsed the principles contained in the preferred model for aboriginal land rights. The Government has expressed the hope that states will implement these principles through their own legislation.

Australia has recently introduced legislation to provide a written Bill of Rights.

BRUNEI

Brunei is a small Islamic monarchy, located on the north coast of Borneo. It is predominantly Malay in population, with substantial Chinese and other minorities. A hereditary and traditional Sultanate, the country has been ruled by the same family for over 500 years. Thus, the current Sultan represents one of the oldest continuously ruling families in the world. Brunei was a British-protected state until January 1, 1984, but it had been internally self-governing since 1959 with Britain responsible for defense and external affairs.

A Constitution promulgated in 1959 provided for the first sharing of political power by the Sultan, who since independence has been advised by a Council of Ministers. However, the Constitution permits the Sultan to override the decisions of legislative and executive bodies in most instances. In elections for a legislative council in 1962, a party opposed to policies of the then Sultan won a large majority; tensions over the policy differences led in December 1962 to an armed uprising, quickly put down by British troops. The Sultan at that time invoked an article of the Constitution under which he could assume emergency powers for a period of two years; this state of emergency has been renewed every two years and is still in force. Although the Constitution is not suspended, the state of emergency allows the Sultan great latitude in ruling by orders. These orders have in effect suspended certain articles of the Constitution.

Since 1962 there have been no disturbances or agitation in Brunei. Economic factors have much to do with the general sense of well-being that prevails. Because, relative to its small population, Brunei produces substantial quantities of oil (estimated in excess of 170,000 barrels per day in 1984), it has one of the highest per capita gross domestic products (GDP) in the world. Oil revenues are sufficient to permit the Government to provide free medical care and free education (all by government scholarship abroad at the university level until this year when the first local university was opened with an initial intake of less than 200 students). A large proportion of the Malay population of working age is employed by the Government at salaries permitting a higher standard of living than that in surrounding countries. Government employees are also eligible for low-interest or no-interest loans to purchase homes, automobiles, and appliances. The only other major employer, Brunei Shell Petroleum, provides comparable benefits.

The human rights situation in Brunei in 1985 remained essentially the same as in 1984.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There were no known instances of politically-motivated killings.

BRUNEI

b. Disappearance

There were no known disappearances nor evidence of persons having been abducted, secretly arrested, or clandestinely detained.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There are no known instances of people having been subjected to torture or cruel, inhuman, or degrading treatment.

d. Arbitrary Arrest, Detention, or Exile

There are no allegations or known instances of people detained, punished, or tried for expression of views critical of or different from those of the Government in 1985 or any recent year. There are, however, several detainees from the insurrection of 1962 and from the mid-70's who have not been released. Seven of the latter group were released in August and four more were freed in November. It is estimated that about six persons remain in detention without trial. Several leaders of the 1962 insurrection live abroad. They have not been sentenced to exile, a concept which does not exist in Brunei. However, they may still fear that they would be incarcerated should they return.

Brunei has applied without modification the International Labor Organization convention on forced labor.

e. Denial of Fair Public Trial

The legal system in Brunei is in most respects derived from the British system. Those suspected of common crimes are detained, tried, and punished according to law. Lacking a senior judiciary of its own, the Brunei High Court when in session has for its Chief Justice an English judge seconded from Hong Kong. There were no known instances of interference with the judiciary by the Government in 1985 or in any other recent year.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

While the Government has considerable latitude allowing it to intrude into the privacy of individual persons, families and homes, in practice it does not do so.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

In the absence of an organized political opposition (although a political party was organized with the approval of the Government in 1985; see below), there have been no challenges to the Government which would have tested its degree of tolerance in the political arena. The single television station is government owned and consistently avoids controversial issues. There is no daily newspaper, and the single weekly newspaper also usually avoids controversial issues but quite frequently reports matters that could be embarrassing to the Government. These are sometimes attributed to foreign news media. Beginning in the latter half of 1983, the distribution in Brunei of a weekly overseas

BRUNEI

magazine was suspended. More than one article about Brunei was published just before the suspension, and it is not clear exactly what prompted the Government's action. At least one foreign journalist has been among a small number of aliens whose nonresident permits have been summarily withdrawn.

b. Freedom of Peaceful Assembly and Association

The Government permits the formation of associations for many kinds of private economic, recreational, or other purposes without interference, but requires their registration. In May 1985 the Government allowed establishment of the first political party since party activity ended in 1967. This, the Brunei National Democratic Party (BNDP), claimed over 3,000 members just before its official public launching on September 29. Over half of its members held government jobs, but the Government announced in late September that government employees could not attend party meetings, become members of political parties, or otherwise engage in organized political party activity. Few members of the public were attracted to the launching assembly (the local press reported that fewer than 100 attended), and the longer-term effects of the ban on party membership by government employees has yet to be seen. There have been no other known instances of government interference with party membership drives. Party officials, in conversations with the foreign press, have been outspoken about their objectives.

Formation of a labor union requires only seven persons with a common trade. Any such group has the right to request registration of its union by the Labor Department, which can refuse registration. The Labor Department says that no request for formation of a union has been denied. At present, there are only three unions registered, only one of which is believed to be active. There are no urgent labor issues in Brunei, mainly because there are only two major employers, Brunei Shell Petroleum and the Government, both of which provide substantial employee benefits. The existing unions have no political role. Unions have the right to bargain collectively and to be represented at the negotiation of any dispute. Strikes are illegal in Brunei under an Act of 1961. With government permission, unions may maintain relations with recognized international bodies.

c. Freedom of Religion

While Islam is the official state religion of Brunei, the Constitution guarantees freedom of worship for other religions and this right is freely exercised.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on freedom of movement in the country or abroad for its citizens.

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

Under the continuing state of emergency there are no representative bodies at the national or local level. The only way in which citizens can effect changes in government is by working through appointed village headmen and district officers who meet regularly with their constituencies, and this is only at the local level.

BRUNEI

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

In its 1985 Report (covering the year 1984), Amnesty International expressed concern about the continued detention without trial of eight persons allegedly involved in the armed uprising of December 1962. It noted that it had twice appealed to the Sultan for their release but received no reply. It also expressed concern about the continued detention of about 20 others who had been arrested for political reasons, mostly between 1975 and 1978. Freedom House rates Brunei "partly free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Brunei's population, estimated at 232,000 in 1985 and with a growth rate of 3.7 percent, enjoyed a per capita gross national product (GNP) of \$17,878 (1982 statistic). As an oil-rich state, Brunei can afford to provide the economic benefits of a modern welfare state. In the fields of health, education, and nutrition, the Government has spared little expense to assure that the needs of the population, including noncitizens, are met. The cost of food, otherwise quite high, is held down by government subsidies of the price of rice, nearly all of which is imported. The high income level of the population means that, despite high costs, the population is well-fed and, by the standards of the area and allowing for traditional preferences, well-housed. Citizens enjoy free education and medical care. In addition, civil servants, a large segment of the working population, have access to subsidized loans and a noncontributory pension program. Resident noncitizens pay only a nominal fee for medical care and can attend public schools for a reasonable fee.

Life expectancy was 73.8 years in 1985, and the infant mortality rate was 13.1 per 1,000 live births. As of 1980, 98 percent of the population had access to safe water. The calorie supply as a percentage of requirement was 114.2 according to 1977 figures. Adult literacy, based on 1981 figures, stood at 77 percent, with the primary school enrollment ratio at 122.9 percent.

Working conditions are subject to inspection by the Labor Commission on several types of occasions: routine, approximately annually; at the time of immigrant worker quota renewal; and in response to complaints. These inspections concern adherence to minimum safety and health standards and compliance with compensation plans as filed with the Labor Commission. Brunei does not have a minimum wage law, but the Labor Department determines a "prevailing wage" for each worker category. Employers are required to pay at least the prevailing wage to obtain approval for a worker quota. Theoretically, these prevailing wage rates would apply to Brunei citizens as a minimum wage as well, but in fact Brunei citizens command wages considerably above those levels. Employment of children below the age of 16 is prohibited, and below the age of 18 requires the written consent of the child's parent or guardian and approval of the Labor Commission. Other restrictions also apply, such as that women under 18 can not work at night or on offshore oil platforms. Work in excess of 48 hours requires payment of overtime. Double time must be paid for work performed on legal holidays.

BRUNEI

The status of women in Brunei appears to be substantially the same as in surrounding countries. Women are not under pressure to observe strict Muslim standards of dress and behavior, with trends in this direction reflecting personal and family conviction. Women are widely employed in the Government, primarily in clerical and secretarial positions. A few hold professional senior level positions.

The great majority of the substantial Chinese minority in Brunei are not citizens (those having no claims to other nationalities were "British-protected persons" prior to independence and are now either stateless permanent or temporary residents). Many of the Chinese are temporary residents from other countries and some of these have been here for many years. Nevertheless, the Chinese community has prospered, and most commercial activity is in Chinese hands.

BURMA

The Socialist Republic of the Union of Burma is a one-party, authoritarian state whose leaders come from a narrow elite within the military. The ruling Burma Socialist Program Party (BSPP) dominates and parallels the Government; the 1974 Constitution gives the BSPP the responsibility "to lead the state." The party is subordinate to its chairman, U Ne Win, who was commander of the army when the current regime came into power in a 1962 coup. The Government is headed by a 29-member Council of State whose chairman, U San Yu, is ex officio President of Burma. A unicameral National Assembly includes 489 members elected for 4-year terms and is the titular source of all power in the state. Though nonparty members are permitted to run for the Assembly and local "peoples' council," candidates must be approved by the BSPP.

A 1975 antismuggling law codified the wide discretionary powers of government security agencies. There are several government organizations charged with state security; in addition, each local people's council has its own security committee with block and neighborhood wardens.

Since the early 1960s, the Government has been trying to build a centrally planned economic system under an ideological program known as the "Burmese Way to Socialism." Initially the Government pursued a rigid policy of economic self-sufficiency. After encountering serious economic difficulties in the early 1970's, it has over the past decade tempered its doctrinaire socialism with some pragmatic economic measures, including greater tolerance of the private sector and acceptance of foreign grant and loan capital.

Although the State retains ultimate rights to all land and natural resources, the right to own property, alone or in association with others, is recognized by the Constitution and respected in practice.

An important contributing factor affecting the human rights situation continues to be the widespread insurgencies against the Government. Dozens of different insurgent groups, based primarily among Burma's ethnic minorities, have been fighting the Government for decades. Some of these groups are fighting for autonomy or independence and against what they perceive to be domination by ethnic Burmans, who constitute at least two-thirds of the population. The Burma Communist Party (BCP) has also been fighting for over 30 years to overthrow the Government. The BCP and many of the insurgent groups traffic in narcotics to finance their operations. Some of the groups are in effect narcotics syndicates with private armies.

There continued to be a number of serious human rights problems in Burma in 1985. Quadrennial elections of local and national-level party and government officials were held throughout the country, but authoritarian control over the political and economic system was essentially unchanged. The abuses committed by all sides in the insurgencies continued. Persons of non-Burmese ancestry continued to face elements of institutionalized discrimination.

BURMA

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

Although summary executions are not allowed under the Burmese judicial system, there have been credible reports that government forces have executed captured prisoners or killed suspected insurgent supporters during military operations.

There are also frequent credible reports of noncombatant deaths resulting from the fighting with the insurgents. Some insurgent groups have carried out summary executions of prisoners, opponents, and suspected informers. Attacks by insurgent groups against civilian targets increased. This included shelling towns, mining trains, kidnapping, and assassination.

b. Disappearance

There were no specific reports over the past year of people being abducted, secretly arrested, or held in clandestine detention by security forces. There is usually no attempt to conceal common criminal or political/security arrests from family members, although details about the charges may not be revealed. Some insurgent groups have resorted to abduction as a political weapon or to coerce local inhabitants into cooperation.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Although the Constitution provides that punishment shall not be in violation of human dignity, and the Government denies that torture or inhuman treatment is practiced, reliable reports over the years suggest that the police and other security forces use torture and psychological coercion during investigations in both common criminal and political/security cases. In addition, there are also reports of serious mistreatment of some political/security prisoners in regular prison facilities. Prison conditions are poor as a consequence of the generally low standard of living, overcrowding, low government expenditures, and limited staff. In June there were reports that Burmese army troops summarily executed several groups of captured smugglers in contested areas of the Karen state.

Insurgent groups sometimes employ death threats, beatings, and other forms of physical and mental coercion against opponents or villagers who refuse to cooperate with them.

d. Arbitrary Arrest, Detention, or Exile

There is no provision in Burmese law for a person in detention to seek a judicial determination of the legality of his detention. In cases involving national security, persons are sometimes never formally charged but held in indefinite detention without trial. The Government neither acknowledges holding political prisoners nor considers itself compelled to justify the detention or imprisonment of anyone. The number of political detainees is thought to have decreased since 1980, when there was a general amnesty. Some estimates place the current number in the hundreds.

BURMA

In common criminal cases, police may detain suspects up to 24 hours, after which a court order must be sought from competent judicial authorities. These court orders, which are renewable, authorize extensions of the detention of 14-day periods until charges are formally brought before a court. Detainees are frequently held incommunicado during the period of investigation and interrogation but are normally allowed visitors thereafter. Refugees and other stateless persons are regarded as illegal immigrants subject to arrest. If they cannot be repatriated after serving sentences for illegal entry, they may be detained indefinitely. The Government is thought to have under detention several hundred illegal immigrants from a number of Asian countries. It is reportedly willing to release those remaining if they are accepted for permanent resettlement elsewhere.

There is no statutory prohibition of forced labor in Burma's Legal Code. Civilian males in the vicinity of military operations (primarily ethnic minority populated areas) are frequently conscripted for porter duty by the Burma Army. Some of these porters are killed by mines planted by insurgents or by being caught up in military engagements. Insurgent groups also press-gang villagers as recruits or as porters.

e. Denial of Fair Public Trial

Justice is administered by "Judges' Committees." These committees are elected from a single slate of candidates chosen by the party. Almost all judges are BSPP members, and a large number are military officers, either active or retired. Although untrained in the law, they are normally advised by professional legal officers. The legal code is residually based upon the British colonial system of law with an overlay from the present Constitution and other legal measures imposed by the present Government. The judiciary is not independent of the Government, which can influence both verdict and sentence, particularly in political/security cases.

The Constitution provides for public trials in most cases, and this practice is followed in common criminal cases. In political/security cases, special judiciary committees may be named by the Council of State. The public is normally not allowed to attend such trials.

When both common criminal and political/security cases come to trial, the burden of proof is on the prosecution, and the accused has the right to counsel. Legal counsel is provided for indigent defendants if they are faced with a possible sentence of 7 years or more. Normally, defendants can consult freely and privately with their lawyers, and defendants and their lawyers are made aware of the charges and evidence and are permitted to submit their own evidence. The verdicts of civil, security, and military courts may be appealed to the next higher court up to the Council of State.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

In common criminal cases, police officials are required to have a valid search warrant or to be accompanied by a member of the local People's Council at the time of search.

BURMA

Search warrants are issued by local or state Judges' Committees. In political/security cases, security forces are not subject to judicial procedures and usually enter homes without warrants. In areas of insurgency, forced entry and warrantless searches are carried out by government security forces and rebel groups alike. It is widely believed that security personnel monitor private correspondence and telephone calls. A well-developed system of neighborhood informers reports on dissent and criticism of the Government. The State does not interfere with private religious practices. All foreign publications are subject to government scrutiny and approval prior to distribution.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

There are significant restrictions on freedom of speech and press in Burma. The Constitution guarantees freedom of speech, expression, and publication but stipulates that the exercise of such freedoms should not be "contrary to the interest of the working people and socialism." In practice, opposition viewpoints and public criticism of the Government are not tolerated. Party members can express some views about economic problems or bureaucratic failures, but outspoken members can be disciplined or expelled. Anyone criticizing the Government's leadership in public or private is subject to arrest although muted private criticism is usually ignored.

Most mass media in Burma are government owned and operated, including television, radio, and the six national newspapers. Newspaper editors are appointed by the Ministry of Information. Editorials must be approved in advance. Journalists are subject to strict guidelines as to what can be broadcast or published, especially on domestic matters. Although subject to prior review, international news reporting is generally objective and balanced.

Criticism of government officials is not permitted, although cartoons and opinion editorials will sometimes criticize local administration indirectly. All forms of communications--domestic and imported books and periodicals, stage plays, motion pictures, and musical recordings--are subject to government control and censorship.

The Government monitors academic inquiry in the social sciences. The difficulty of obtaining scholarly publications from abroad and of communicating with foreign scholars impedes academic research although there have been modest improvements in recent years.

b. Freedom of Peaceful Assembly and Association

The Constitution guarantees the right of assembly and association, but only for those organizations permitted by law. In practice, most legitimate organizations are limited to the BSPP. BSPP "mass organizations" for workers, peasants, and youth have been established at every administrative level. These organizations serve primarily as vehicles for communicating national policies and implementing government programs. Opposition political groups are banned, and their members are subject to arrest. Public meetings must be sanctioned by the Government.

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There is no independent labor movement in Burma. Workers do not have the right to organize independently, to bargain collectively, or to strike. The labor force is organized into party-controlled workers' and peasants' mass organizations. Most of the leaders of these organizations are party officials, and the national leadership is made up of ranking party and government officials. For example, the workers' organization national chairman is also the Minister for Social Welfare and Labor, and the peasants' organization chairman is also the Minister for Agriculture and Forests; both are members of the party's central committee.

Labor disputes are mediated by arbitration boards composed of worker, management, and government representatives. In practice the party and the Government decide disputes. In the public sector where workers, management, and government representatives are all generally party officials, the process has little meaning. However, in the private sector this process can provide workers with a real voice. Burma is a member of the International Labor Organization (ILO). Labor organizations and other professional associations are generally not permitted to maintain independent relations with international private bodies.

c. Freedom of Religion

Burma is a secular state. Freedom of religion is guaranteed in the Constitution and widely observed in practice. The great majority of Burmese are Buddhist, although there are sizable Christian, Muslim, and animist minorities among minority ethnic groups. Minority religious groups are allowed to practice freely. Religious groups can and do maintain links with coreligionists in other countries, such as with the Vatican in the case of Catholics. Religious travel such as the Hajj is permitted and in some cases subsidized by the Government. Foreign religious representatives are usually allowed only tourist visas and are not permitted to preach or proselytize, although a few foreign missionaries who are longtime residents of Burma have been permitted to remain and serve their congregations. All religious organizations are required to register with the Government, and religious publications are subject to the same governmental control and censorship as other publications.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution guarantees Burmese citizens the right to live anywhere in the country. Except for limitations in areas of insurgent activity, Burmese citizens can travel freely within the country but must inform local authorities of their temporary place of residence. Noncitizens must obtain prior permission to travel.

Legal requirements and bureaucratic procedures cause long delays in obtaining passports, and the right to emigrate often is denied. Emigrants are severely limited in terms of what they are allowed to take out of the country with them. Before traveling abroad private citizens normally must reimburse the Government for their university and professional education and pay income tax in advance. Persons who retain their Burmese citizenship and who left the country legally are generally allowed to return to visit relatives. Emigrants wishing to return permanently are required to reapply for Burmese

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citizenship. In general, those who leave the country illegally cannot legally return.

Burma does not permit foreign refugees or displaced persons to resettle or seek safe haven within Burma. The Government treats persons claiming to be refugees as illegal immigrants to be incarcerated.

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

Burma has an authoritarian, one-party system in which leadership is essentially drawn from a small elite within the military officer corps.

All government institutions and other organizations in Burma are subordinate to the guidance of the ruling BSPP. The party in turn follows the leadership of Chairman U Ne Win, who has personally ruled and guided the formulation and execution of national policy for the last two decades.

Political opposition is not tolerated, and opposition political parties are illegal. The BSPP is used to mobilize popular support behind decisions of the leadership rather than as a vehicle to express individual or group opinions of the members. The party chooses a single slate of candidates for government offices. Although party nominees run unopposed, they must receive 50 percent of the vote to be elected. In a few cases, all at the lower government levels, the party nominees have not been elected. In party and governmental decisionmaking assemblies, votes are almost always unanimous. Ethnic Burmans dominate the political system although the party seeks to expand participation by Burmese ethnic minorities; women are underrepresented.

Under the 1982 citizenship law, ethnic Burmese, including indigenous minorities, enjoy advantages that are not available to immigrants and their immediate descendants. The law significantly limits the political rights of immigrants (primarily ethnic Chinese and Indian) whose parents and grandparents are not citizens.

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

The Burmese Government does not permit investigations of its human rights practices, nor is it willing to discuss human rights problems with outside governmental or nongovernmental organizations. The Government has permitted visits by U.N. organizations such as the ILO and the Office of the United Nations Commissioner for Refugees (UNHCR) to discuss a few specific issues. No Burmese organization, governmental or private, monitors the human rights situation in Burma. Burma does not actively participate in international or regional human rights bodies. In its 1985 Report, Amnesty International expressed its continuing concern about reports of human rights violations, including arbitrary arrests and in some instances torture, relating to ethnic minorities and the Muslim community. It also expressed concern about the practice of local civilians being impressed as porters by army personnel in areas of active military operations. Freedom House rates Burmas as "not free."

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ECONOMIC, SOCIAL, AND CULTURAL SITUATION

According to data supplied by the World Bank, Burma's population was 36,919,000 and growing at the rate of 2 percent annually. With a per capita gross national product of \$180 in 1983, Burma ranks among the world's poorest nations. However, official statistics do not reflect adequately the important private/black market economy.

The country remains largely reliant on agriculture, with more than 60 percent of its labor force employed in the agricultural sector. Burma is essentially self-sufficient in food, and most Burmese maintain a marginally adequate standard of living. Partly due to decreased earnings from rice and mineral exports, Burma experienced serious economic difficulties in 1985, including a sharp decline in foreign exchange reserves. The trade deficit currently is over \$300 million a year. Total foreign debt now exceeds \$2 billion. Government austerity measures have had a dampening effect on development; estimates on the current economic growth rate range from 4.5 to 6.5 percent. In November the Government demonetized some denominations of Burmese currency in an apparent attempt to curb black market activity. The action initially created hardships for local residents; its impact on the economy over the longer term is uncertain. Burma receives about \$450 million a year in bilateral and multilateral assistance; Japan, the largest aid donor, provides \$250 million annually.

Life expectancy in 1985 was 56 years at birth, and the infant mortality rate was estimated at 89 per 1,000 live births. Calorie supply as a percentage of minimum established daily requirements was estimated at 115 in 1982. The percentage of the population with access to safe drinking water was estimated to be 21 percent in 1980. In 1978, approximately 40 percent of the population, both urban and rural, were estimated to live below an absolute poverty level.

Education in Burma is free through the university level, and the party and Government have made a major effort to improve literacy in recent years. Adult literacy rates in 1980 were estimated at 76 percent for males and 56 percent for females. The World Bank reports the primary school enrollment ratio as of 1981 was 84 percent overall: 87 percent for males and 81 percent for females.

Burma is currently in the process of revising and updating its labor laws. At present the minimum age for workers is 15. There is a 5 day, 40-hour workweek for employees in the public sector and a 6-day, 48-hour workweek for private sector employees, with overtime pay for additional work above this amount. Workers have 21 paid holidays a year, and there are numerous legal provisions to protect workers' health and safety. The minimum legal wage is about 75¢ at the official rate of exchange. In the private sector the minimum wage law applies only to cheroot-rolling plants and rice mills. The gap between legal provisions and actual conditions can vary widely, with government entities and government corporate enterprises coming closest to the legal standards. In 1984 it was reported that the Law Commission of the National Assembly had before it proposed legislation to bring Burma into conformity with ILO Conventions, 17, 62, and 87. In fact, the Commission has under consideration legislation concerning only Conventions 17 (workers' compensation) and 52 (hours of

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work). Because the Commission has a large backlog of work, it is not known when it might consider this legislation or send it on to the Assembly.

Women in Burma have distinct social roles, which vary with their cultural traditions and ethnic backgrounds. In general, Burmese women enjoy most of the same rights as men. They keep their own names after marriage, are active in trade, and often control family finances.

Burma's numerous ethnic minorities have their own distinct cultures and languages, and many of the minority groups have historically resisted assimilation. Economic development among minorities has lagged, and many still live at the subsistence level. This is due in part to the chronic insurgencies and geographic factors which impede economic development in rugged, isolated ethnic minority populated border areas. Minorities are underrepresented in the party and Government and are largely excluded from the military leadership. Many individuals with nonethnic Burmese ancestry, primarily Indians and Chinese, are denied full citizenship status and are not permitted to hold party or government positions but continue to play an important role in the economy.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: BURMA	1983	1984	1985	

I.ECON. ASSIST.-TOTAL...	18.8	14.6	20.5	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	18.8	14.6	20.5	
A.AID	13.8	12.2	15.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	13.8	12.2	15.0	
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0	
B.FOOD FOR PEACE.....	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
TITLE I-TOTAL.....	0.0	0.0	0.0	
REPAY. IN \$-LOANS.....	0.0	0.0	0.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	0.0	0.0	0.0	
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0	
VOL.RELIEF AGENCY.....	0.0	0.0	0.0	
C.OTHER ECON. ASSIST...	5.0	2.4	5.5	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	5.0	2.4	5.5	
PEACE CORPS.....	0.0	0.0	0.0	
NARCOTICS.....	5.0	2.4	5.5	
OTHER.....	0.0	0.0	0.0	
II.MIL. ASSIST.-TOTAL...	0.2	0.1	0.2	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.2	0.1	0.2	
A.MAP GRANTS.....	0.0	0.0	0.0	
B.CREDIT FINANCING...	0.0	0.0	0.0	
C.INTL MIL.ED.TRNG...	0.2	0.1	0.2	
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E.OTHER GRANTS.....	0.0	0.0	0.0	
III.TOTAL ECON. & MIL...	19.0	14.7	20.7	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	19.0	14.7	20.7	

OTHER US LOANS.....	0.0	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	0.0	0.0	

ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	1946-85

TOTAL.....	115.5	130.8	42.3	1406.7
IBRD	0.0	0.0	0.0	33.1
IFC	0.0	0.0	0.0	0.0
IDA	92.0	54.7	32.3	697.0
IOB	0.0	0.0	0.0	0.0
ADB	8.1	71.6	10.0	516.0
AFOB	0.0	0.0	0.0	0.0
UNDP	15.4	4.5	0.0	87.9
OTHER-UN	0.0	0.0	0.0	72.7
EEC	0.0	0.0	0.0	0.0

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Control of Cambodia has been contested since January 1979, when the Vietnamese army drove the Khmer Rouge Communist regime of Democratic Kampuchea out of Phnom Penh and installed its own puppet regime, the so-called People's Republic of Kampuchea, under a former Khmer Rouge division commander, Heng Samrin. Vietnam controls all major cities and towns and maintains the Heng Samrin regime in power by force of arms. This control is challenged by a three-part Khmer resistance movement, the Coalition Government of Democratic Kampuchea, which holds Cambodia's seat at the United Nations. During the 1984-85 dry season the Vietnamese army overran all of the civilian camps and resistance bases close to the Thai border, but the resistance continues to conduct guerrilla operations throughout large parts of Cambodia.

Vietnam has attempted to develop political and economic institutions on the Vietnamese model, with power restricted to the Communist Kampuchean People's Revolutionary Party, which is dominated by the Communist Party of Vietnam. Vietnam, by highlighting the brutality of the former Khmer Rouge regime, seeks acceptance of its own military occupation while attempting to establish institutions and popular support for the Heng Samrin regime, with the declared objective of enabling the Vietnamese army to leave Cambodia by 1990.

The Coalition Government of Democratic Kampuchea opposing Vietnamese domination of Cambodia and contesting the authority of the Heng Samrin regime was formed in 1982 when two non-Communist resistance groups joined with the Khmer Rouge. The latter have perhaps between 30-40,000 armed men, and the non-Communists about 23,000. While in power from 1975 to 1979 the Khmer Rouge had compiled one of history's worst records of human rights violations, responsible for the deaths of probably over one million Khmer. Since its overthrow by Vietnam, the Khmer Rouge claim to have abandoned their radical ideology and policies. The Khmer Rouge leadership is attempting to gain the following of the Khmer people by public support for traditional institutions such as Buddhism and by publicizing its links with the popular former ruler, Prince Sihanouk. The Khmer Rouge formally dissolved the Communist Party of Kampuchea in 1981, and Khmer Rouge strongman Pol Pot purportedly formally "retired" to an advisory role in 1985 but the Khmer Rouge top leadership--Ieng Sary, Khieu Samphan and Son Sen--remains in place.

The Khmer People's National Liberation Front (KPNLF) with approximately 14,000 men under arms is led by former Prime Minister Son Sann and espouses government based on parliamentary ideals. The third group in the coalition, the National United Front for an Independent, Neutral, Peaceful, and Cooperative Cambodia (FUNCINPEC), with approximately 9,000 armed soldiers in its Sihanoukist National Army (ANS), is headed by Prince Norodom Sihanouk, who ruled as hereditary king and later head of state until 1970. The appeal of this organization centers on the Prince's international stature and his popularity within Cambodia.

Cambodia's economy is based on subsistence-level agriculture. Although the regime is attempting to impose a collective economic system, lack of control and administrative capacity have resulted in continued reliance on decentralized agricultural production. After seven years of Vietnamese control, Cambodian industry, reportedly consisting of some 36

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operating factories and a total industrial and public sector work force of approximately 150,000, remains of marginal importance to the economy. Most other nonagricultural employment is in small family-run services or handicrafts.

During 1985 systematic violations of human rights continued. The Vietnamese and the Heng Samrin regime greatly expanded forced labor defensive work projects in support of combat operations in western Cambodia in an attempt to cut off infiltration by the resistance. As a result, there have been heavy casualties due to mines and disease.

The scope of military and paramilitary activity and associated violence by both Vietnam and the Khmer resistance groups increased in 1985. In their fight against the Vietnamese and the Heng Samrin regime, the Khmer Rouge have employed terrorist tactics, including murder and destruction of economic resources, against Khmer civilians.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

Reports of political killing in the Vietnamese-controlled areas declined after an intensive Vietnamese/Heng Samrin internal security campaign against suspected opponents in mid-1983. Khmer resistance groups continue to report instances of Vietnamese and Heng Samrin officials killing suspects during interrogations. Testimony of former Heng Samrin security officials does not reveal a pattern of arbitrary killing. However, death in captivity due to torture or other mistreatment is common, according to testimony of former prisoners. These reports have been substantiated by interviews conducted in 1985 by the Lawyers Committee for Human Rights.

The number of allegations concerning the use of lethal chemicals or toxins by the Vietnamese against Cambodian resistance forces subsided in 1985. Those that were reported were fully investigated by U.S. government specialists in chemical warfare, but none of these reports were confirmed according to U.S. strict standards of proof.

The Khmer Rouge, a movement based on total control of the lives of its adherents, seems to have moderated its use of terrorist tactics in 1985. Nevertheless, civilians continue to be killed during attacks on lines of communication and other economic targets. Khmer Rouge defectors report that prisoners in Khmer Rouge jails have been killed by mines while performing forced labor. Some former Khmer Rouge believe that those deaths were intended by the Khmer Rouge. One former Khmer Rouge military officer who defected in 1985 claimed that people had been executed for marrying without permission.

Reportedly, the KPNLF conducted summary executions of a few soldiers believed to have engaged in banditry, rape, or other violent crimes near the Thai-Cambodian border. It is apparent that disaffected KPNLF troops, often deserters, and the lack of discipline in the KPNLF have resulted in criminal attacks on some Thai and Khmer refugees in the Thai-Cambodian border areas.

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b. Disappearance

There have been reports that Heng Samrin security officials have been responsible for the disappearance of persons suspected of being opponents of the regime. A Heng Samrin official who defected in 1984 has reported that resistance soldiers who accept offers of amnesty from the Heng Samrin authorities frequently disappear following formal release from reeducation. The official also claimed that individuals arrested for economic violations have disappeared. Most of those who have disappeared apparently have been imprisoned, but some may have been killed.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Physical torture has been reported in both rural areas and Phnom Penh prisons. The Lawyers Committee for Human Rights reported, based on its 1984-1985 interviews, that persons suspected of resistance activity are routinely tortured in the early weeks and months of detention by Vietnamese and Heng Samrin officials. Cambodians arriving at the border in 1985 report that beatings during interrogation to uncover resistance sympathizers continue to be the most common form of mistreatment. There have also been reports of suffocation with plastic bags, burning with boiling water, deprivation of food and sleep, and degrading treatment such as removing clothing during interrogation. Psychological pressures such as the threat of indefinite confinement without trial are employed during interrogation. The Lawyers Committee reported a pattern of initial detention during which prisoners were shackled in a dark cell, interrogated, and tortured. After several months of this interrogation phase, prisoners were usually transferred to larger daylight cells, which they shared with other prisoners, and eventually to work camps prior to release. A Heng Samrin security service official who defected to the border in late 1984 reported that political prisoners in Phnom Penh were confined in isolation for up to 3 months while being interrogated by the Vietnamese military. This source claimed that criminal prisoners were frequently beaten and tortured by the interrogation bureau of the Heng Samrin police (the Ministry of Interior), but that the interrogation bureau did not torture political prisoners.

Cambodians who left Khmer Rouge control in late 1984 report that those who violate minor regulations, such as by conducting unauthorized trading, are punished by detention and forced labor. Those committing more serious offenses, such as trying to escape from Khmer Rouge control or having unauthorized contacts with foreigners, have been confined in underground cells for periods of up to 3 months or forced to work in dangerous, mine-infested areas. A number of Vietnamese prisoners who had been in Khmer Rouge hands ended up in Thailand following Vietnamese attacks on Khmer Rouge bases in early 1984. Press photographs of the Vietnamese indicated that they were close to starvation. Treatment of Vietnamese and Heng Samrin prisoners by the non-Communist resistance groups has been generally adequate.

d. Arbitrary Arrest, Detention, or Exile

Suspected resistance sympathizers are detained, interrogated, and often jailed for extended periods of time with neither formal charges nor pursuant to other legal procedures.

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Separate sections within the Heng Samrin police are responsible for investigation of activities by the non-Communist (KPNLF and Sihanoukist) and Communist (Khmer Rouge) resistance groups. The Ministry of Interior maintains at least three prisons in Cambodia in which suspected supporters of the resistance are held without formal charges, often for more than 3 years. Provincial police and joint Vietnamese/Heng Samrin military internal security units maintain additional detention and interrogation centers. Regulations of the Heng Samrin regime call for the arrest and reeducation of "any person carrying out propaganda campaigns to sabotage internal unity and Kampuchea-Laos-Vietnam solidarity." Such reeducation means indefinite detention to force a change in political values. The 1985 Amnesty International Report expressed concern about the detention without trial of persons suspected of anti-regime activities.

There is a virtual absence of legal process for those detained. Those detained or arrested are almost never informed of the charges against them, nor are they given access to a lawyer or informed of any rights or legal protections to which they are entitled.

In Vietnamese-controlled areas, forced labor is common. The Vietnamese and the Heng Samrin regime have systematically conscripted Khmer civilians from throughout Cambodia for work on military-related projects in or near combat areas along the Thai-Cambodian border. The number of forced laborers increased to the tens of thousands in 1985 as workers were organized into paramilitary units in a massive program to construct physical obstacles against infiltration by resistance forces. The workers have suffered frequent loss of life from mines, malaria, and other diseases in the remote border areas. Foreign observers in Phnom Penh have reported that the hospitals there have been inundated with sick and injured civilians returning from the border construction projects and that malaria, including the severe and sometimes fatal cerebral variety, is spreading into previously safe areas of Cambodia. Forced participation also places the workers' lives at risk when Vietnamese or resistance military actions occur nearby.

The Khmer Rouge also require labor from all individuals under their control and prevent them from leaving, either to return to areas controlled by the Vietnamese or to join the non-Communist Khmer resistance groups. Khmer Rouge defectors in 1985 report that they were forced to carry supplies and ammunition into the interior of Cambodia in support of military operations and they claim they were punished if they failed to carry out these tasks.

e. Denial of Fair Public Trial

Political prisoners under the Heng Samrin regime are regularly denied the right to a trial. Figures on the numbers of political prisoners in Cambodia are only rough estimates. A Ministry of Interior official who fled Cambodia in 1985 estimated that the main ministry prison in Phnom Penh (T-3) housed about 600 low-ranking former Heng Samrin officials in one section and an unknown number of other political prisoners in a separate section of the prison. A second prison, Prey Sar, reportedly holds approximately 1,000 prisoners, including many political prisoners. The Lawyers Committee estimates that political prisoners number in the thousands, and this

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seems to be a conservative estimate, especially if those held in provincial jails and military interrogation facilities are included.

Trials are used primarily for purposes of propaganda and public intimidation, with the verdict decided in advance. Show trials in 1980 and 1983 were intended in large part to publicize the "confessions" of the accused. There are few procedural rights for defendants. A 1982 law on the organization of courts provides the right of counsel only with prior approval of the court. The 1981 Constitution provides for public trials, but allows for closed sessions. Arrivals on the border have related little information about the workings of the Heng Samrin legal system, either in theory or practice.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Heng Samrin authorities search whenever and wherever they wish. Networks of informers report to the secret police, and Vietnamese personnel are assigned to monitor all levels of the Heng Samrin internal security apparatus. Vietnamese and Heng Samrin authorities have forced people to relocate into fortified villages in order to prevent contact with resistance forces.

The Khmer Rouge maintain strict control on the social activity of those under its control. Severe punishment may be given for acts such as marrying without permission, contacts with foreigners or listening to unauthorized radio broadcasts.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

In Heng Samrin areas the press and radio are wholly controlled by Hanoi and its client regime. Criticism of the regime is not tolerated, nor are foreign books and periodicals admitted, except those officially distributed. There have been reports of arrests for listening to foreign radio broadcasts. A similar situation exists in the Khmer Rouge camps. The non-Communist groups do not have such restrictions.

b. Freedom of Peaceful Assembly and Association

The only associations permitted by the Heng Samrin regime are those for groups such as farmers, women, and youth which were created to support the regime. Organized labor is totally under the regime's control, and industries have organized branches of the official "Trade Union for National Salvation." Collective bargaining is unheard of. The Khmer Rouge do not allow associations or trade unions. The non-Communist groups encourage voluntary women's associations which have both educational and social functions.

c. Freedom of Religion

When in power in Phnom Penh, the Khmer Rouge disestablished Buddhism as the state religion, destroying temples and defrocking monks. Islam and Christianity, as "foreign" religions, were even more ruthlessly suppressed. The Heng Samrin regime has permitted the return of religious practices but has not reinstated Buddhism as a state religion.

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Religious activities are closely controlled by the regime. At the second Buddhist Monks' Conference in Phnom Penh on July 4, 1984, a resolution was passed which forced Buddhism into the "two strategic tasks of the party--namely, to defend the fatherland and to build it step-by-step toward socialism through the period of transition." In general, the Heng Samrin authorities attempt to use Buddhism as one of a number of organizations for "mass mobilization," to implement party policies. Christian groups are harassed by the Heng Samrin regime. The Protestant and Roman Catholic communities in Phnom Penh are reportedly not authorized to meet. Muslims, most of whom are ethnic Chams rather than Khmer, have been encouraged by the Heng Samrin regime to renew their religious community, and Muslims have spoken out in public in support of the Heng Samrin regime and against the excesses of the former Khmer Rouge regime.

Since being driven from power, the Khmer Rouge have tried to give the impression of reform. However, defectors from the Khmer Rouge zone in 1985 report that Buddhism is still discouraged by Khmer Rouge authorities. Christianity and Islam are not known to have been revived in Khmer Rouge-controlled areas since.

Non-Communist resistance camps afford complete freedom of religion. The camps feature active Buddhist temples and often have Muslim mosques and Christian churches as well.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Heng Samrin regime tries to control tightly all travel within the areas under its authority. A system of neighborhood surveillance, modeled after the Vietnamese system, was introduced in 1981. A system requiring family registration and identification books was begun in 1980, and in 1983 the registration effort was placed under the police in each local administrative unit. Complex regulations govern movement of families and individuals within Cambodia. Passes are required for internal movement between villages. Checkpoints are ubiquitous, and bribes as well as passes are required to pass them, although checkpoints can often be dodged by avoiding roads. Only a few top Heng Samrin regime officials travel abroad. Other Khmer seeking to leave the country flee to the border to try to enter Thailand, and the Heng Samrin regime routinely imprisons those caught attempting to do so.

The Heng Samrin regime has agreed in principle to accept refugees back from camps in Thailand but has taken only a handful so far. No agreement has been reached by the Heng Samrin regime and the United Nations High Commissioner for Refugees [UNHCR] on the mechanics of repatriation. Thousands of Khmer have returned informally to Cambodia from the Thai border. There is no reliable information on what conditions they face if they become known to the Phnom Penh authorities, but the UNHCR does provide some limited assistance to the Heng Samrin regime for returnees. Nearly all of the Khmer allowed refugee status in Thailand have been approved for resettlement and departed for Western countries. At least 245,000 Cambodians not given refugee status (the "border Khmer") remain in camps along the Thai-Cambodian border where they are assisted by the United Nations and the International Committee of the Red Cross.

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The Khmer Rouge also tightly control movement within their zone and attempt to prevent the non-Communists from operating in or crossing what they consider their "liberated areas" in Cambodia. In one 1984 instance, a group of approximately 500 Khmer escaped from Khmer Rouge control and joined a non-Communist group. Several smaller groups of Khmer Rouge escaped from Khmer Rouge control to the non-Communists in 1985. The Khmer Rouge and the non-Communist groups have accepted people back from refugee camps in Thailand.

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

The fundamental right of self-determination is denied to the Khmer people. The Kampuchean People's Revolutionary Party, a Communist party which acknowledges a serious shortage of members and is directed by a very small group of leaders, controls political life in the Heng Samrin regime areas. Major policies are controlled by Vietnam, and many day to day administrative decisions, especially in internal security matters, are made unilaterally by Vietnamese officials. Both Vietnam and the Heng Samrin regime have rejected any change in the system imposed following the Vietnamese invasion, calling the situation "irreversible."

Political aspirants in Heng Samrin areas must study the current political dogma, which centers on acceptance of the Vietnamese explanation for Vietnam's dominant position in Cambodia. Middle- and high-level Heng Samrin officials must attend political indoctrination courses taught by Vietnamese at political schools in Phnom Penh and in Vietnam. Relatively few Heng Samrin officials are considered reliable by the Vietnamese. Khmer with strong ties to Vietnam from before 1975 or as pre-1978 defectors from the Khmer Rouge, are afforded the highest positions of trust, followed by other former Khmer Rouge cadre, non-political "intellectuals" (including many pre-1975 school teachers), and low-ranking officials of pre-1975 governments, in that order. While attempting to build an indigenous Communist party and government structure in Cambodia, Vietnam itself maintains complete control. Elections in Heng Samrin areas do not allow genuine political participation but rather are staged by the regime to attempt to demonstrate legitimacy through voter activity, and to underscore the relative status of leaders by varying percentages of the "vote." Reports suggest that in the 1981 national elections, percentages were manipulated and some victors were named regardless of the number of votes they received. Under the Heng Samrin Constitution, the next national "election" is due in 1986, but recent Vietnamese statements suggest it may not be held until 1987.

The Khmer Rouge formally dissolved the Communist Party of Kampuchea in December 1981, but it continues in Khmer Rouge areas as a clandestine entity. In fact, the party, in which power is concentrated in the hands of fewer than 10 people, controls all political, economic, and military life in those areas. No opposition is tolerated. Although Pol Pot purportedly formally "retired" as military commander in 1985 and assumed a position of advisor on national security, defectors from the Khmer Rouge areas report that power continues to be held by the pre-1979 leadership.

The non-Communist political fronts are less disciplined and control their areas more loosely. Power is normally shared

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through a system of factional alliances based on personalities and the number of troops controlled.

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

Human rights violations in Cambodia have been the subject of intense international attention since 1978 and during the period of Khmer Rouge rule, when the United Nations Human Rights Commission and its Subcommittee on the Prevention of Discrimination and Protection of Minorities began investigating the problem. In February 1985 the Commission adopted the latest in a series of resolutions on Cambodia. The 1985 resolution welcomed the continued effectiveness of the Coalition Government of Democratic Kampuchea with Prince Sihanouk as President, reiterated its "condemnation of persistent occurrence of gross and flagrant violations of human rights in Kampuchea," and reaffirmed "that the continuing illegal occupation of Kampuchea by foreign forces deprives the people of Kampuchea from exercise of their right to self-determination and constitutes the primary violation of human rights in Kampuchea at present."

Authorities in the Heng Samrin and Khmer Rouge-controlled areas have not permitted investigation of charges of human rights violations. In late 1984 the Heng Samrin regime declined to permit the Lawyers Committee for Human Rights to visit areas it controls. The Khmer Rouge allowed two members of the Committee to visit part of the area under its control, but the Committee was not able to visit a Khmer Rouge prison or freely interview sources and the Committee's Khmer-speaking scholar was denied permission to participate in the visit. Committee members visited resistance-controlled parts of Cambodia in November 1984 and January-February 1985 and conducted in-depth interviews with over 150 people. In its report on Cambodia, the Committee concludes that, "beyond its general and pervasive control of expression and political thought, the regime has sought to stamp out opposition--both real and imagined--with a systematic practice of arbitrary arrest, brutal torture, and indefinite detention under degrading conditions, at times resulting in death. The Heng Samrin regime and the Khmer Rouge areas have Red Cross organizations, but neither they nor any other groups in those areas have a role in the protection of other rights.

The non-Communist camps along the Thai/Cambodian border have substantial daytime presence of voluntary and international organization staff who have intervened to secure better treatment of minorities, such as Vietnamese refugees among the Khmer. Also, representatives from the International Committee of the Red Cross have conducted interviews with prisoners held in KPNLF stockades.

Amnesty International, in its 1985 Report, expressed concern about long-term detention of political prisoners without charge or trial, reports of systematic torture and ill-treatment, and reports of the death in custody of political detainees. Freedom House rates Cambodia "not free" and, in its 1985-86 report, assigned the country its lowest ratings.

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ECONOMIC, SOCIAL, AND CULTURAL SITUATION

After the years of fighting within Cambodia, statistics on the economic, social, and cultural situation are wholly unreliable. The population in 1985 is estimated to be 6.2 million, close to the 1962 census figure of 5,729,000, with a growth rate of 2.2 percent.

Cambodia is now, to an even greater extent than it was before 1970, an agricultural country. Rubber, sugar cane, and tobacco production have begun to be restored. The Vietnamese continue to attempt to integrate the economies of Laos and Cambodia with that of Vietnam, particularly the exploitation of timber, rubber, and fishing resources. There were reports that Vietnamese continued to dominate the fishing industry, especially on the Mekong River and the Tonle Sap Lake. A Heng Samrin official who defected in 1985 reported extensive transfer of resources from Cambodia to Vietnam--rice, fish, logs, maize, sesame. There have also been unconfirmed reports of diversion of international relief goods from Cambodia to Vietnam.

In rural areas, the Heng Samrin regime has instituted a system of agricultural collectivization to till the larger rice fields. Heng Samrin officials claim that 90 percent of Khmer peasants have been organized into more than 100,000 "solidarity production" teams. The Constitution permits families to occupy a small plot on which a house and garden exist. Other land is farmed collectively, although in practice most farm production is still on an individual family basis.

Earlier trends toward urbanization were reversed when the Khmer Rouge forcibly evacuated the entire urban population in 1975 with great hardship and loss of life. Since the Vietnamese invasion, urbanization has resumed, but many of the former city people, including Chinese merchants, died during the Khmer Rouge years or have since fled abroad. The embryonic Khmer entrepreneurial class faces overwhelming competition from Vietnamese who have entered commercial activities in market towns throughout Cambodia and in Phnom Penh itself.

There have been credible reports of Vietnamese immigrants taking advantage of their privileged status to force Khmer out of desirable occupations or land. Khmer arriving on the border in 1985 reported that Vietnamese pressure and commercial taxes which favor the Vietnamese are continuing to drive out Khmer and Chinese merchants. Regime Circular 351 issued in 1983 specified particular measures against ethnic Chinese who, according to the circular, are being used by enemies of the state "to engage in espionage, psychological warfare, economic warfare, and to cause turmoil in the market place." Chinese with "questionable family histories" are encouraged to volunteer to report to authorities to "clear themselves." Reports from border travelers indicate that many new Vietnamese have moved into Cambodia to join returning residents who had fled or been expelled during the Khmer Republic or Khmer Rouge periods. Most are traders or fishermen, but a large group of Vietnamese farmers have settled on rich marshland in Takeo Province.

The health, medical, and nutritional deficiencies of recent years are only slowly being overcome, and life expectancy at

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birth is still at a low 44.5 years. An inadequate number of Khmer medical personnel at all levels has been supplemented by foreign medical teams. Foreign teams from non-Communist countries are increasingly restricted to Phnom Penh and other cities in eastern Cambodia. Despite the presence of these teams, and a reportedly large number of Vietnamese health cadres, medical care even in the best hospitals in Cambodia is not adequate. Most Khmer have no access to medical care at all. Cambodia is subject to many kinds of tropical diseases and to an especially virulent strain of malaria. Preventive measures for mosquito-borne diseases no longer exist. The emergency relief needs that led to the massive international food relief operation beginning in 1979 have been essentially fulfilled. Vietnamese media reported in 1985 that 2.1 million tons of food (probably paddy equivalent--whereby other food grains are converted into their equivalent in paddy rice) were harvested in Cambodia in 1984-85, in contrast to 697,000 tons in 1979. Nevertheless, the nutritional situation remains precarious.

The Heng Samrin regime has tried to restore some parts of the traditional culture, reversing Khmer Rouge efforts to completely restructure the society and remold individual personality. The regime has promoted traditional music and dance and has reopened many primary schools and selected university faculties, such as medicine and dentistry. It claims a total primary and secondary school population of more than 1.8 million.

There is no known minimum age for the employment of children. Little attention has been given by authorities to ensure acceptable conditions of work, and there is little available information on this subject. Wage scales for the few industrial and government workers are set by the state.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: KAMPUCHEA

	1983	1984	1985
I.ECON. ASSIST.-TOTAL...	2.1	3.3	0.8
LOANS.....	0.0	0.0	0.0
GRANTS.....	2.1	3.3	0.8
A.AID	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	2.1	3.3	0.8
LOANS.....	0.0	0.0	0.0
GRANTS.....	2.1	3.3	0.8
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN \$-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	2.1	3.3	0.8
E.RELIEF.EC.DEV & WFP.	2.1	3.3	0.8
VOL.RELIEF.AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING.....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	2.1	3.3	0.8
LOANS.....	0.0	0.0	0.0
GRANTS.....	2.1	3.3	0.8
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0
ASSISTANCE FROM INTERNATIONAL AGENCIES			
	1983	1984	1985
TOTAL.....	1.5	2.5	2.0
IBRD	0.0	0.0	0.0
IFC	0.0	0.0	0.0
IDA	0.0	0.0	0.0
IOB	0.0	0.0	0.0
AOB	0.0	0.0	0.0
AFDB	0.0	0.0	0.0
UNDP	0.0	0.0	0.0
OTHER-UN	1.5	2.5	2.0
EEC	0.0	0.0	0.0
			1946-85
TOTAL.....			38.4
IBRD			0.0
IFC			0.0
IDA			0.0
IOB			0.0
AOB			1.7
AFDB			0.0
UNDP			20.2
OTHER-UN			16.5
EEC			0.0

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The People's Republic of China (PRC) is ruled by the Chinese Communist Party (CCP), which sets political and economic policy and is the final arbiter of all social, cultural, and moral questions. Power within the party is shared among a small group of leaders in several key organizations, including the Politburo and its five-member Standing Committee, the Military Commission, and the Secretariat. Politburo Standing Committee member Deng Xiaoping is China's preeminent leader.

Since achieving power in 1949, the CCP has continued China's long tradition of autocratic rule, justifying it by Leninist principles and strengthening it by use of the resources available to the modern state. The leadership now also exploits the popular desire for stability resulting from the 1966-76 Cultural Revolution by equating any perceived threat to its control with a threat to social order that justifies a strong reaction. Since the late 1970's, the leadership has taken steps aimed at rejuvenating institutions ravaged by the Cultural Revolution, restoring party prestige among the population, and creating stability to facilitate economic growth. The legal system, abandoned during the Cultural Revolution, has been resurrected and is being strengthened. The authorities have promulgated many laws, including the first full-scale criminal law and criminal procedure code in the history of the People's Republic. However, the party continues to place significant restrictions on fundamental political and civil rights such as freedom of speech, the press, religion, association, and travel. The Government does not tolerate fundamental criticism of the CCP or the Socialist system, and deals swiftly and harshly with those who engage in such criticism.

China is one of the world's poorer developing countries. However, its economy has shown rapid growth in the last several years as the result of the introduction of incentives rewarding good performance. As modernization of China's economy has progressed, the leadership has repudiated more and more aspects of the Soviet economic model, the basis on which China's Socialist economy was originally structured.

The human rights situation in China improved marginally in 1985, with only some movement toward realization of the 1982 Constitution's formal guarantees of individual rights and a structure for dispersal of political power within the Government which, by implication of the preamble, remains subordinate to the party. While not relinquishing its decisionmaking power, the party has made a gesture towards broader participation in the political process through reinvigoration of the National People's Congress and the Chinese People's Political Consultative Conference, as well as by holding multiple-candidate elections to local representative bodies. The party has also changed Cultural Revolution policies which sought the destruction of religion in favor of a policy of limited toleration. Some growth in officially sanctioned religious activities has occurred, including return of, or compensation for, church properties, and there have been cautious contacts with foreign religious organizations.

During 1985 a campaign to "strengthen the people's concept of rights" received moderate press coverage. Training programs were established for persons engaged in legal work, and there

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were also programs to popularize knowledge of laws. However, significant areas of life remain basically unprotected by law.

An extensive and frequently controversial family planning program is carried on under brief provisions in the Constitution, the marriage law, and various administrative and party fiats at national, provincial, and local levels. Implementation has varied widely from place to place. Although coercive family planning is contrary to official Chinese policy, there have been numerous reliable reports of coercive birth control practices, including forced abortions and sterilizations. Another apparent result of the Government's effort to limit most families to one child has been the resort by some persons who desire a male descendant to the traditional practice of female infanticide.

An important part of China's evolution towards a less tightly controlled society is the leadership's policy of opening up to the outside world. The Government has made the promotion of foreign trade and investment an integral part of its modernization drive. Travel and emigration controls have been loosened significantly in recent years. Tens of thousands of Chinese go abroad every year to study, conduct business, or visit relatives, while millions of overseas Chinese and hundreds of thousands of other foreigners visit China. At the same time that it promotes China's opening to the outside, the party seeks to block unwelcome foreign influences. Chinese contacts with foreigners continue to be monitored by an extensive security apparatus.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

A crime suppression campaign launched in the fall of 1983 continued in 1985, although at a less intensive level. The authorities claimed that the campaign had reduced the crime rate by 30 percent, and that it would continue through 1986. During this anticrime campaign, the death penalty has been applied frequently. The great majority of the 5,000-10,000 persons estimated to have been executed since the crackdown on crime began were charged with serious nonpolitical crimes. As in 1983 and 1984, however, some of those executed in 1985 were charged with "counter-revolutionary" crimes (usually espionage).

b. Disappearance

There were no reports in 1985 of persons being abducted or disappearing permanently at the hands of the security services. There has been no information, however, regarding some of the scores of dissidents arrested in the aftermath of the Democracy Wall movement in Beijing and elsewhere in 1979, and during a crackdown on unauthorized publications in 1981.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

China's Code of Criminal Procedure specifically prohibits the use of torture. However, to indoctrinate the public and deter crime, the authorities sometimes subject persons convicted of

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serious crimes to public denunciation and humiliation at "mass sentencing rallies." At these rallies, often attended by thousands of people (including the families and neighbors of the accused), the accused are denounced and their sentences revealed to the crowd. Policemen force prisoners to keep their heads bowed as a mark of contrition. "Mass sentencing rallies" were rare in 1985, but at least one report spoke of a person sentenced to die at a mass rally and being led to the execution grounds afterward. Another person at the same rally was sentenced to death with sentence suspended for 2 years. In such cases, the death sentence may be commuted to life imprisonment or less if the prisoner shows good behavior.

d. Arbitrary Arrest, Detention, or Exile

Although Chinese law details a series of procedures to be observed in the handling of suspects, including use of arrest warrants and time limits for detention during investigation and trial, these safeguards are not always honored in practice. There is no provision for preventive detention. Other guarantees in the law include the right to counsel. However, a defense attorney normally does not enter a case until after the police and procurator have finished their investigation and the defendant has been formally charged.

In July 1984 the National People's Congress (NPC) Standing Committee approved amendments extending the period of detention during investigation from 2 to 4 months and the time limit for trials from 1 1/2 to 2 1/2 months. In principle, these changes applied only to "serious" cases and required that extensions be approved by provincial procuratorates or courts. Since Standing Committee decisions in 1980 and 1981 had granted temporary authority to provinces to set their own time limits, the NPC's action represented both a return to a national standard and a probable reduction in the time limits earlier specified by the provinces. The new regulations also authorized the use of bail for accused persons not considered "dangerous," but there have been no reports about its implementation, notwithstanding claims in the Chinese press that these amendments would "promote human rights." It remained unclear how strictly they would be enforced since detainees have been held indefinitely in the past despite existing legal limits.

Sentencing to prison or labor reform usually entails participation in compulsory labor. Prison and labor reform camps are expected to be partially self-supporting if not operating at a profit.

Under "labor education" provisions, those who commit "minor theft or fraud" or who have been expelled from their work units may be deprived of their civil liberties and subjected to "education through labor" for up to 4 years without trial. This nonjudicial sentencing procedure has been used frequently against political dissidents. Judgments are handed down by a public security office in consultation with representatives of local civil affairs units. The authorities made extensive use of this provision during the initial phases of the crime suppression campaign in 1983. In 1984 they continued to transfer more serious offenders (sentenced to "reform through labor") from prisons in coastal areas to labor camps in remote areas of Xinjiang and Qinghai. Even after they complete their sentences, most of these prisoners will be denied permission to return to their homes in the East and will be expected to

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find employment and establish themselves as permanent residents of these underpopulated regions.

e. Denial of Fair Public Trial

China's judiciary is nominally independent but in practice follows party policy. Although there are presently no standing special political or security courts, the party has in the past stage-managed trials having political significance such as those involving prominent Cultural Revolution political figures.

Most Chinese trials are essentially sentencing hearings where defense representatives plead for clemency for their clients whose guilt, with very few exceptions, is not contested. The trials are preceded by extensive pretrial investigation and corroboration of testimony, and it is assumed that any person brought to trial is guilty. Defendants in criminal cases may appeal both verdicts and sentences to the next higher court. Appeals have resulted in both stiffer and reduced sentences for the accused.

The criminal procedure code requires that all trials be held in public, except those involving state secrets, juveniles, and "personal secrets." In practice, attendance at public trials requires an admission ticket obtained from organizations selected by the authorities. According to Amnesty International's 1984 special report on China, most trials of those it classifies as prisoners of conscience were held without advance notification of their families.

No reliable figures exist for the number of political prisoners in China, nor are there sufficient data to make an accurate estimate. The Government denies that it has any political prisoners and insists that it imprisons only criminals and "counter-revolutionaries." The latter group includes some who had no clear political motive in breaking the law, but whose offenses (such as jailbreak or attacks on public buildings) were nonetheless classified as "counter-revolutionary." Overall, the number of such prisoners has dropped since the late 1970's, with the "reversal of verdicts" (often initiated through extrajudicial channels) of hundreds of thousands of persons sentenced as "counter-revolutionaries" during the Cultural Revolution, and through natural attrition.

However, total inmate population in labor camps and prisons has increased since the beginning of the anticrime campaign, as tens of thousands of common criminals and persons considered socially undesirable have been processed through the courts. Estimates of outside observers on the number of labor camp inmates range from 100,000 to 10 million. Because of the large numbers released in the aftermath of the Cultural Revolution, estimates on the lower end of the scale appear more plausible.

f. Arbitrary Interference with Privacy, Family, Home or Correspondence

Extensive regulation of individual and family life is one of the distinctive features of the Chinese sociopolitical system. For most Chinese (particularly urban residents), life revolves around the work unit, which provides not only employment, but also housing, ration coupons, permission to

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marry and have a child, and other aspects of ordinary life. The unit, along with personnel in "neighborhood committees," monitors a person's attitude and behavior and may report suspicious activity to the authorities. The unit is the party's enforcer at the local level, but its considerable autonomy may also be used to ignore or obstruct directives from the top.

Faced with one-fifth of the world's population squeezed onto 7 percent of the world's arable land, China's leaders have made family planning a top national priority. They believe that economic modernization goals will be unattainable without a low birth rate, particularly given the current high number of females of childbearing age, traditionally high Chinese birth rates, and recent medical advances leading to longer life expectancies. To achieve its goal of limiting China's population to 1.2 billion in the year 2000, the Government is discouraging early marriage and promoting as an ideal a norm of one child per family, backed by a massive, grassroots institutional effort involving education, contraceptive counseling, free contraceptive devices, and economic and social incentives and disincentives.

The authorities have instituted various controls on marriage and childbearing. The minimum age for marriage is 22 for men and 20 for women, high by world standards but lower than previous Chinese requirements. Each province sets guidelines for the desired number of children to be born during the year. For instance, in border regions and minority areas, where population densities are low, governmental control is weak and traditional attitudes strong, population growth guidelines are looser, allowing a second and sometimes third child per family. In other areas, central guidelines are often translated into rigid quotas at the unit level.

Couples who sign a pledge to have only one child get a number of incentives: free health care for the child, a 5 percent increase in their pensions, priority in housing, schooling, and medical treatment, and a monthly bonus of about \$2.

Couples who insist on having a second child reportedly have the right to do so in most cases. However, in addition to losing their monthly bonus, they may be required to repay any bonuses already received, and, in some instances, give up or return other benefits as well. Women are expected to apply for permission from their unit to have a child. Although contrary to announced central government policy, significant numbers of those becoming pregnant without permission are coerced into having abortions, even in the later stages of pregnancy. Authorities have recently clarified that after the sixth month of pregnancy abortions should not be performed, unless the health of the mother is endangered. Reported instances of family planning malpractice occur for the most part in less developed rural areas, where central guidelines have sometimes been translated into rigid quotas by local officials. Chinese authorities say they take measures against local officials who violate the Government's policy in this regard, but there have been few reports of punishment of such offenders. Guidelines for local-level family planning personnel have not been made public, nor have the limits, if any, on their authority. Chinese family planning officials have reiterated that the Chinese Government does not condone forced abortions or sterilizations, but admitted that coercion, even though counter to official policy, may occur in

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some instances. Chinese officials have claimed that abortion ends about 25-33 percent of pregnancies. Infanticide is illegal, and the press has published cases of persons punished for infanticide.

Although contacts between Chinese and foreigners have increased considerably, the authorities closely scrutinize such association. Chinese citizens whose work does not require or permit contact with foreigners may be warned or detained and questioned if they persist in meeting foreign acquaintances. On the other hand, Chinese seem less hesitant than in the recent past to strike up conversations with foreigners. "English corners," where Chinese and foreigners can meet to talk in English, have appeared in public places. The authorities in principle permit marriages between foreigners and Chinese but specifically prohibit Chinese citizens involved in confidential and other "important" work (such as diplomats and military personnel), as well as those serving prison sentences, from marrying foreigners. In practice, romantic liaisons between Chinese citizens and foreigners are strongly discouraged.

The Criminal Procedure Code requires the use of search warrants for gathering evidence. There is no reliable information on whether this proviso is carried out in practice. There were reports several years ago of the use of electronic eavesdropping equipment to monitor suspected political dissidents.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Constitution guarantees freedom of speech and the press, but in practice open criticism of the CCP or Chinese socialism is not permitted. The party's policy of carefully controlling the print and broadcast media was restated in a 1985 speech by party General Secretary Hu Yaobang who said "Journalism work is the party's mouthpiece." Degrees of control vary from absolute, in the case of party organs such as the People's Daily, to "guided," for specialized publications dealing with nonpolitical topics. With party sanction, newspapers routinely publish "letters to the editor" and feature articles exposing incompetence or corruption by low- or middle-ranking officials.

In place of the earlier "spiritual pollution" campaign, by the latter part of 1985 authorities were stressing a theme of building a Socialist "spiritual civilization." This seems to be a positive attempt to build morale, encourage high standards of personal and public behavior, and avoid one-sided overemphasis on seeking personal profit. Associated with this was a crackdown on apparently widespread tabloids, smuggled pornographic publications and videotapes, and cadres who engaged in corrupt or questionable business deals, including use of false trademarks and improper use of authority or connections. A national writers' conference held in Beijing in late December 1984 promised greater creative freedom. At the conference, a CCP official criticized excessive party interference in literary affairs and said that writers must be free to choose their subjects and ways of expression, though he also made it clear that criticism of the social system would remain off-limits.

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Despite official distrust of foreign influence, the leadership has permitted greater, albeit still limited, access to various aspects of foreign culture. More foreign books and artistic works are available now than in past years, foreign films are shown more frequently, and visits by foreign artistic groups have become more common. Selected subscribers in universities and other institutions receive foreign periodicals. Tens of millions of Chinese read the Reference News, an officially controlled selection of largely uncensored translations from the foreign press. Coverage of foreign news in the open media has become more extensive and professional. Chinese listen freely to foreign broadcasts, and many universities use the Voice of American (VOA) and other foreign radio broadcasts in their language courses. Contrary to earlier practice, there is no jamming. In its weekly programming, Chinese television includes some programs from Western and other countries. Audiences in some major cities enjoy Chinese-language renditions of classical and contemporary Western plays.

b. Freedom of Peaceful Assembly and Association

The Constitution guarantees freedom of peaceful assembly and association; in practice, however, the authorities circumscribe these rights. China has a wide variety and increasing number of professional and other associations, such as the All-China Youth Federation, the All-China Women's Federation, the Chinese Writers' Association, and the All-China Sports Federation. These groups operate under party control. The authorities suppress groups which attempt to function independently.

China's trade unions are closely controlled by the CCP. The All-China Federation of Trade Unions (ACFTU) is the umbrella organization with which all trade unions must affiliate. With over 74 million members, the ACFTU enrolls about two-thirds of the urban work force. The Federation's prime function is to serve the State's interest by promoting labor discipline, enhancing labor productivity, conducting political and ideological indoctrination, and improving workers' educational and technical skills. Unions also perform a variety of social and welfare functions such as operating clubs, eating facilities, nurseries, schools, and sanatoriums. Their duties also include the promotion of workers' safety. Although government officials may consult trade union leaders on wage policy, unions have no power to engage in collective bargaining.

Chinese workers are not guaranteed the right to strike. Included in the 1978 State Constitution, this right was omitted in the 1982 revision as well as in the 1983 trade union constitution. However, a trade union spokesman said in 1983 that this omission did not necessarily mean that strikes were illegal. He then described a narrow range of circumstances (e.g., workers' safety at risk) where strikes might be permitted for a brief time. There are no known instances of strikes on these issues.

In the last several years, the ACFTU has moved actively to expand its international ties. Claiming to have contacts with trade unions in over 120 countries or regions, the Federation has stated its desire to establish links with foreign unions regardless of their affiliation with the International Confederation of Free Trade Unions, the Soviet-dominated World Federation of Trade Unions, or other organizations. The

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ACFTU's busiest bilateral program is with the Japanese labor federations Domei and Sohyo. Since China activated its membership in the International Labor Organization (ILO) in 1983, an ACFTU official has served as China's workers' delegate to that body. This representative was elected to an alternate seat on the ILO Governing Body in 1984. The ILO opened a regional office in Beijing in January 1985.

Since 1981, workers' congresses have been established in most of China's large and medium-sized enterprises. Created in principle to permit workers a role in enterprise management and selection of plant officials, the congresses have to date been largely quiescent. The October 1984 Party Plenum's decision on economic reform, while calling for "centralized and unilateral leadership" of enterprises and "strict labor discipline," also says that worker participation in management must be ensured, but no specific steps to accomplish this have yet been announced.

c. Freedom of Religion

Reversing Cultural Revolution-era attempts to eliminate all religious practice, China's reformist leadership changed in 1978 to a policy of limited religious toleration. The Constitution guarantees freedom of religious belief and specifies that no organization or person may compel citizens to believe or disbelieve in religion or discriminate against them because of religious preference. The Constitution also provides that religious bodies must not be subject to foreign domination. Aside from these provisions, official policy forbids religious proselytizing outside places of worship or believers' homes. Earlier, unpublished regulations reportedly also limited religious freedom to those over 18, but church associations denied this in 1985.

The authorities have required all religious bodies to affiliate with eight national organizations representing four religions--Christianity, Buddhism, Islam, and Daoism. Of the five Christian associations, two are Protestant (the Protestant Three Self Movement and the China Christian Council), and three are Catholic (the Patriotic Catholic Association, the National Administrative Council of the Catholic Church, and the Catholic Bishops College). Together, these associations--with different functional responsibilities but overlapping leaderships--constitute the officially sanctioned national Protestant and Catholic Churches. Although all Protestant denominations were required to merge in the 1950's, congregations and individuals may follow preferences on such matters as forms of baptism. Since its separation from Rome 30 years ago, the Chinese Catholic Church has developed an independent theology and doctrines; for example, it rejects Papal infallibility, continues to conduct services in Latin, and supports the State's policy on birth control, provided church-approved methods are used. These five Christian associations and three organizations representing the other religions ensure that religious bodies accept the leadership of the State and party.

Within the limits of official policy, religious activities have expanded considerably in the last few years. Many religious institutions which were closed during the Cultural Revolution have reopened. In 1985 officials said there were 2,600 churches and over 20,000 mosques in service in the country. Many Buddhist and Daoist temples have reopened,

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often after being refurbished at government expense. In Tibet, nearly 500 Lamaistic monasteries have been restored, many with government funds--still just a fraction of the 2,700 monasteries open before the Chinese suppression of the 1959 Tibetan uprising. Similarly, only a small number of monks have returned to monastic life in Tibet, although more are being trained at a government-funded institute in Lhasa. In Sichuan a reported 550 lamaseries were reopened.

Since 1981 the authorities have permitted the establishment of seminaries to train a limited number of young people in religious orders. The Catholic Church has seven seminaries and three minor seminaries in operation. The Protestant church, apart from its national seminary in Nanjing, operates nine other theological institutes, the newest in Shanghai. In June, the Nanjing Theological Seminary held its first graduation since reopening in 1981, with 95 graduates, who will go to Protestant churches in different parts of China. The Islamic Association operates a National Theological Institute in Beijing, and another Islamic Institute opened in Ningxia in September 1985, with an initial enrollment of 20. The Buddhist Association has institutes in Beijing, Suzhou, and Nanjing, as well as Lhasa. The religious associations publish a variety of religious materials for believers, including scriptures, teaching material, theological journals, and hymnbooks. Since 1980, for example, the Protestant China Christian Council has printed and distributed over 1.3 million Bibles. Aside from appropriating funds for extensive renovation of temples, the Government provides other forms of direct and indirect financial support for religious bodies (e.g., tax exemptions for their rental income and cash subsidies to Muslims for observance of dietary law).

The number of Christians has increased since 1978, with estimates ranging from the official figure of 6 million to a more likely 10-20 million. This increase in believers has resulted in a severe shortage of places of worship, given the continued occupation of many pre-Cultural Revolution churches and temples by factories, the military, and other units. As a result, many congregations are forced to meet in believers' homes. Officials say there are 15 million actively practicing Muslims and that practitioners of Buddhism and Daoism run into the millions. Because the older generation of religious leaders is slowly dying off, and the number of recent graduates of religious training institutions is still inadequate, there is a pressing shortage of priests, ministers, monks, and imams.

Despite the greater freedom of recent years, the authorities still react harshly to unsanctioned religious activity. Some Christians prefer to worship outside the officially recognized "patriotic" church system and instead meet in unsanctioned "house churches." The public security authorities have in the past harassed these underground churches with measures including arrests in an attempt to force worshippers into an official church. In 1983, there were reports of arrests of 30 "house church" leaders in central China, 100 Christians in Henan province, and 2 ethnic Koreans active in the evangelical church movement in Shanghai. There have been no recent reports of harassment of "house church" leaders or congregations. In 1983 the NPC Standing Committee authorized the death penalty for those organizing secret sects which spread "feudal and superstitious ideas." However, this

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provision did not appear aimed at mainstream religious activities, but rather at traditional animist and cult practices or plain criminal activity.

Because of concern over divided loyalties, the authorities carefully monitor and control contacts between Chinese and foreign religious organizations. On the one hand, they encourage Chinese religious leaders to meet foreign counterparts and take part in international meetings. In 1985, for example, the Chinese Buddhist Association and the Indian Embassy sponsored a photo exhibition on Sakyamuni, the founder of Buddhism, in a Beijing temple, attended by 250 monks and nuns from Beijing and an Indian Buddhist delegation. In addition, a Hungarian church delegation visited Protestant churches in China. To gain support from important minority groups and create goodwill with Islamic nations, China in 1979 resumed giving permission to Muslim citizens to make the Hajj. Over 2,100 Chinese made the pilgrimage to Mecca in 1985, nearly double the 1984 figure. There are some indications that Chinese religious organizations may again be permitted to receive funds or gifts from foreign religious organizations--if no strings are attached.

On the other hand, the Government insists that the country's religious bodies must be independent of foreign control and warns against foreign attempts to interfere in Chinese religious affairs. The Government prohibits missionaries from practicing among Chinese citizens but has allowed some foreign clergymen to enter for brief periods to serve the resident foreign community. Foreigners with acknowledged ties to overseas religious institutions are permitted to work in China, often as English teachers, with the understanding that they not engage in open proselytizing of their beliefs.

The authorities' principal concern with alleged foreign interference lies with the Vatican. Relations continue to be estranged because of Rome's recognition of the Taiwan authorities as the "Republic of China" and because the officially sanctioned Chinese church does not recognize the Vatican's authority. Chinese priests who maintain their loyalty to the Pope are subject to arrest and imprisonment. The most recent case occurred in late 1983 when a provincial court sentenced the 76-year-old Bishop of Baoding, Peter Joseph Fan Xueyan, and his 70-year-old Vicar-General, Monsignor Hua Binzhang, to 10 years' imprisonment for maintaining links with the Vatican. Gong Pinmei, former Bishop of Shanghai and a prominent Catholic clergyman loyal to Rome, incarcerated since 1955, was released in July 1985.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Travel within China is subject to various formal and informal restrictions. Chinese citizens must have a written letter of introduction from their work unit to buy airplane tickets, secure hotel accommodations, or acquire ration coupons for purchase of basic food items in areas outside their places of residence. Those traveling by rail who plan to stay with relatives need not obtain letters of introduction but are still required to register with local police during their visits. With their higher income levels (particularly in the countryside), Chinese are traveling ever more frequently

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within the country, sometimes ignoring these bureaucratic requirements without much difficulty. This increased mobility prompted the authorities, out of concern for social order and public security, to announce in April 1985 the adoption of the country's first nationwide identity card system. This plan went into effect on September 6, 1985 under the auspices of the NPC Standing Committee. Local committees are working out details for eventual implementation.

Chinese citizens cannot freely change their locality of residence or workplace. They are registered as residents of a particular jurisdiction. The authorities normally grant permission to move to another locality only for a change in employment. In practice, rigid personnel policies, most notably the unwillingness of units to sanction an employee's transfer, make it difficult to change jobs. The authorities have called for and taken some steps towards reform of the personnel system, aiming at greater mobility among scientists, technicians, and certain other professionals. As part of efforts to develop commerce and industry in rural areas, the State Council issued a circular in October 1984 which authorized peasants to establish business in rural towns. Strict policies restricting rural-to-urban migration continue.

With the relaxation of controls on foreign travel and emigration since the late 1970's, tens of thousands of Chinese now go overseas every year to study, conduct business, or visit relatives. The trend toward looser controls continued in 1985. The Government announced that the number of state-financed students sent abroad would be increased by 1,000 to 4,000 in 1985. Some of the restrictions applicable to students able to secure financial support for studies abroad from nongovernmental sources were abolished. The trend towards looser controls on foreign travel notwithstanding, Chinese cannot go abroad as a matter of right. In November 1985 the Standing Committee of the National People's Congress passed the "Citizens Exit and Entry Control Law," due to go into effect February 1, 1986. The law states: "A Chinese citizen may leave, or enter, the territory without visa processing by showing a valid passport, or other valid certificates..." With some exceptions, "all applications for exit on account of personal affairs...will be approved." The law will deny exit to four categories of people--those involved in unsettled criminal or civil cases, serving sentences, placed under "education through labor," or whose exit may harm China's national security or interests. Under the law, Chinese citizens living overseas will no longer need a visa to enter China. Chinese permitted to leave the country are allowed to return. China relaxed restrictions on internal travel by foreigners in February 1985 by more than doubling the number of areas (cities and counties) open to foreign visitors without special permission. Several additional areas have been opened since then, including some suburban areas around Beijing. At present just over 100 cities or counties are open to visitors, including all of China's largest cities, and another 150-plus areas are open but require first obtaining special travel permits. Nevertheless, about 90 percent of Chinese counties and cities remain officially closed.

China does not revoke the citizenship of political dissidents. The authorities have welcomed the return for permanent residence of Chinese who had fled their homeland

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earlier in fear of Communist rule; such persons are also welcomed back for brief visits or to establish residence. An estimated 10 million overseas Chinese, including some political opponents and former refugees from the regime, visited China in 1984; the number of foreign visitors not of Chinese ancestry has also increased dramatically in recent years. More than 270,000 refugees and displaced persons from Vietnam and Laos have resettled in China since 1978. The number of new arrivals has dropped to around 100 per month. The authorities have also resettled over 2,000 ethnic Chinese permanent residents of the Mongolian People's Republic since 1983, after they were expelled by that country's Government. There were no known cases of forced repatriation of refugees, nor have the authorities sought to obstruct voluntary repatriation or resettlement abroad by refugees.

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

The CCP is the paramount source of political authority and decisionmaking in the country. Within the party, power is divided among a group of top leaders in several key organizations, including the Politburo and its five-member Standing Committee, the Military Commission, and the Secretariat. Under the doctrine of "Democratic Centralism," leaders at the top, after consultation within the party, make policy decisions which all party members are expected to support. Political debate and conflict usually take place only before a decision is made; once announced, all party members are expected to follow the party line. Nevertheless, there are means by which party members and others can debate established policies. These include the presentation of alternate points of view or criticism through thinly veiled allusions in the party-controlled press, the use of academic journals to present differing views on supposedly theoretical matters, selective enforcement of policies, exploitation of policy ambiguities, manipulation of news coverage, and informal and unpublicized debate at party and government meetings. In 1985, however, Chinese economists and political theoreticians openly debated in academic journals and a national newspaper a key national issue--the limits of economic reform. Parties or groups which oppose the CCP are forbidden.

Over the past five years, however, the CCP has promoted a modest rejuvenation of eight "democratic" parties (formed before 1949) as agents of its "United Front" policy. Admittedly subservient to the CCP, the parties function as channels through which the authorities seek to mobilize support among various constituencies the parties claim to represent: intellectuals, former industrialists, returned overseas Chinese, former KMT (Nationalist Party, the dominant party of Taiwan) military and civilian officials, and Taiwanese living on the mainland. As part of its efforts to give more visibility to these parties, the CCP increased their representation in the NPC and at the Chinese People's Political Consultative Conference in 1983, and they have been allowed to reestablish party newspapers and to recruit new members. Although the CCP periodically consults with the representatives of these minor parties on important issues, the parties, whose membership totals only 120,000, and whose leaders are superannuated, have little discernible impact.

The NPC meets once a year for about two weeks to debate and

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approve government policies and personnel changes determined in advance by the CPP. The NPC has never rejected a government policy, although some have been modified as a result of delegates' concerns expressed behind the scenes. More important than the NPC as a whole is its Standing Committee, which meets several times a year and has the power to approve laws.

Women have scored few breakthroughs in the male-dominated political establishment. At present, none of the 20 full members of the Politburo is female (although an alternate member is female), while just three women serve among the 45 ministers and commission directors in the central Government. About 20 percent of NPC delegates are female. At present there is one female provincial governor and one female provincial party secretary.

Minority ethnic groups--who account for 6.7 percent of the population and are concentrated in border areas like Xinjiang, Tibet, Guangxi, Yunnan, and Inner Mongolia--are permitted a limited degree of autonomy. At its 1984 plenary session, the NPC adopted a national minorities law, essentially a compilation of post-Cultural Revolution policies and practices with few new departures. Like the State Constitution, the new law provides that government heads of autonomous regions, prefectures, or counties should be members of the locally prevalent minority. Although vague on the extent of political autonomy for minority areas, the law clearly sets forth their rights to enjoy and develop their own cultural traditions, use their own language, and practice their own religion. CCP policies have reportedly been designed to increase minority representation in the Government and party in minority areas to levels reflecting the minority's share of the population, and to assign senior positions to minority persons. Nevertheless, the great majority of party first secretaries in the autonomous regions as well as some other key officers are Han Chinese.

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

China has not been the subject of human rights investigations by official international organizations. There are no known organizations within China which monitor or comment on human rights conditions. The Chinese regard their human rights record as an internal matter, and see no justification for foreign concern about it. However, Chinese officials have been increasingly willing to meet with U.S. Government officials and members of professional groups to discuss birth control policies, and they have provided increasing amounts of information, including statistical data and visits to localities. In its 1985 Report, Amnesty International noted that its principal concerns with regard to China were the extensive use of the death penalty and the continued imprisonment of prisoners of conscience. Freedom House rated China as "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

One of the poorer developing countries, with a 1983 per capita gross national product (GNP) of \$300 and a population of 1.04 billion, China has nonetheless experienced rapid economic

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growth in recent years. In 1983, national income rose by 9 percent. The official cost-of-living index rose by 2 percent in 1983, although many foreign observers believe the rate may have been closer to 10 percent. Urban employment and unemployment are a serious problem, particularly among youth. The rapid growth in the number of lower-level collectives (production units owned by employees) and of the self-employed has helped to alleviate unemployment. Together, these two categories of workers accounted for 56 percent of the 1983 increase in urban employment, although the state sector (accounting for 75 percent of the urban work force) remains dominant. The CCP announced a new "urban economic reform program" at the Central Committee's October 1984 plenum, intended to introduce market mechanisms into China's state sector. Based on the success of earlier agricultural reforms, the new reform plan envisions a relaxation of direct state control over the industrial sector, and greater reliance on small-scale collective and private enterprise in the commercial and service sectors. In theory, the State will move from direct administrative control on the Soviet-model toward a new mixture of "administrative guidance" and macroeconomic fiscal and financial signals, including tax and credit rate adjustments. Chinese leaders have emphasized that the economy will remain Socialist, but, if carried out as planned in outline, the new policies will move China towards a more decentralized economy with greater scope for market forces and individual initiative. The "urban economic reform program" would also lead to increased prices and wages as well as to increasing disparities in personal incomes, a controversial process which has already begun.

China's billion-plus people enjoy health care and nutrition at a level much higher than is typical for low-income countries. State-provided medical services are available widely at little or no cost to the user. Invalids receive public help often not provided by low-income countries. High rates of early death from rampant infectious, parasitic, and respiratory diseases, and high rates of infant mortality, have been dramatically lowered. The 1982 infant mortality rate varied from 13 per 1,000 live births in the cities to 22 per 1,000 in the countryside. Life expectancy is 68 years, above the world average. Regional variation in life expectancy ranges from 72 years in some northern and eastern cities and provinces (Beijing, Tianjin, Shanghai, and Liaoning) to 59 in the southwest (Sichuan, Guizhou, and Yunnan). China's leading causes of death now are heart disease, strokes, and cancer, the same as in high-income countries.

China's current food situation is very unusual for a low-income country, and reflects a recent break with a long historical pattern. Total food intake, in terms of both protein and calories, is above the average for middle-income countries, although the proportion of animal products in the Chinese diet remains similar to the low-income country average. From a historical situation in which food provision hovered around subsistence levels, China has made recent progress in feeding its population, due to the post-1979 surge in Chinese agricultural production. However, standards remain significantly better in urban areas than in the countryside, and better in coastal provinces than inland.

With 94 percent of eligible children enrolled in the first year of primary school, China is progressing toward its goal

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of universal 9 years of compulsory education by 1990. The quality of rural education, which mainly consists of primary education, lags far behind that available in the cities. Furthermore, rural primary and secondary school enrollment ratios remain low, especially in poor areas. This problem has been aggravated in recent years by decollectivization, with many rural families keeping their children out of school to work on family farms, and by rising school fees in some areas. Recent government efforts have begun to reverse this situation. However, from a high point of 46 percent in 1979, by the mid-1980's secondary school enrollment nationwide had dropped to about 30 percent, below the developing-country average of 39 percent. Only about 5 percent of high school graduates attend college. The 1982 census placed adult literates (defined as persons knowing more than 1,500 Chinese characters) at 76.9 percent of the population.

While there is no legislation which establishes a minimum age for employment, state enterprises in practice will not hire anyone who is not a high school graduate or lacks equivalent certification. Employment standards in the countryside, however, are hard to monitor and may be considerably more lax. Schools try to schedule some sort of "productive" activity as part of the curriculum, and children in rural areas often help out in farm activities. In the course of trying to universalize a system of compulsory 9 years' education, the Government is attempting to close off full-time employment opportunities (and thus the temptation to drop out of school) for those who have not finished minimum schooling. Conditions of work vary widely. In some impoverished areas, long toilsome hours do not return even a bare living, and subsidies are required for survival. There is no minimum wage law. The Government is attempting to encourage productivity in state and collective enterprises, encouraging experimentation with various incentive systems.

The Constitution endorses the principle that all citizens are equal. In the socioeconomic realm as in politics, however, women lag behind men despite progress in recent years. Female participation in the labor force has increased rapidly in recent years, reaching 36.5 percent of urban workers in 1983. Yet, women are concentrated in sectors such as light industry, where wage rates are lower. Despite increased educational opportunities, the percentage of females in school drops from 43 in primary grades to 26.2 percent of all students in universities; 70 percent of illiterates are women. Notwithstanding stiff punishment and official discouragement, selling of women and other traditional practices, such as arranged marriages and heavy dowries, continue to be reported from time to time.

Minorities have benefited from the party's more liberal programs for them, which include special treatment in marriage and family planning, employment, and university admission. Nonetheless, the standard of living of minorities--many of whom live in poor, remote areas--remains below that of most Han Chinese. Social and other discrimination against former opponents of the CCP, intellectual critics of party leadership, and former capitalists has been significantly curtailed in recent years.

The leadership's liberalization of political, economic, and social policies towards Tibet was reiterated by a February

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1984 forum convened by the Secretariat. One result has been the rehabilitation of many members of former Tibetan aristocratic families, whose property is being restored, and who are given figurehead positions in the Tibetan regional government. Three representatives of the Dalai Lama visited Beijing during October and November 1984 to discuss a possible visit by the exiled spiritual leader. At the conclusion of their visit, the representatives issued a statement ruling out a 1985 visit by the Dalai Lama to Tibet, but leaving open the possibility of a trip to other parts of China, including areas where ethnic Tibetans live. These discussions took place against the background of arrests and executions in 1983 of some Tibetans, which the Dalai Lama's representatives said included political dissidents. The Chinese Government denied these allegations, saying the arrests and executions were part of a nationwide crackdown on common crime.

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Taiwan's polity is dominated by the Nationalist Party (Kuomintang or KMT) in an essentially one-party authoritarian system. A vocal opposition exists, however, and enjoys a wide range of popular support, as well as some freedom of expression. The Taiwan authorities, who claim to be the government of all of China, maintain the full array of central political bodies originally established on the China mainland under the 1948 Constitution. In recent years, supplemental elections bringing in younger members have increased the vitality of these somewhat vestigial organs. The Legislative Yuan, the central legislative body, is evolving into a forum for questioning policy but still lacks power to change it.

The small and aging leadership group whose members came to Taiwan from the China mainland after World War II runs the KMT, the military, the security apparatus, and the executive bureaucracy. Political control is exercised through these bodies under a Constitution whose major democratic provisions have been circumscribed by the martial law provisions enacted in 1949. The authorities justify martial law as necessary to counter the threat of military action or subversion from the People's Republic of China (PRC). Although the people of Taiwan enjoy considerable influence in local level decisionmaking, they have little input into the major political decisions affecting them.

Throughout the past 36 years, the Taiwan authorities have promoted economic development while firmly controlling the political system to ensure stability. Although now feeling the impact of the global economic downturn, Taiwan's largely free enterprise economy in recent decades has been one of the fastest growing in the world. Taiwan's per capita gross national product (GNP) of over \$3,067 ranks fourth highest in East Asia and is accompanied by high standards of education, health, and nutrition.

Political evolution has occurred on Taiwan, but it has not kept pace with economic development. Human rights are publicly endorsed but incompletely realized. Although tolerated, opposition activity is restricted. The expression and publication of political views are controlled, and opposition activities are monitored, both at home and abroad. The confrontation over the issue of press freedom that flared in 1984, when proliferating opposition publications printed a rash of articles on traditionally sensitive topics, continued in 1985. Native Taiwanese, descendants of Chinese who migrated from the mainland primarily in the 17th and 18th centuries, dominate the private economy. They now constitute 85 percent of the population but are still underrepresented at the upper levels of the ruling elite. The authorities continue gradually to recruit increasing numbers of Taiwanese to fill important economic, political, military, and security posts.

Notwithstanding the slow trend in recent years toward improvement, human rights practices in Taiwan in 1985 charted an uneven course. The rights of the work force increased significantly as enforcement provisions of the new Labor Standards Law went into effect. A revised Civil Code now affords women greater rights and protection in disputed areas of marriage and divorce. Also, the authorities admitted the involvement of some of their senior military intelligence officials in the October 1984 murder in California of a U.S.

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citizen of Chinese origin, but they maintain that the crime was committed by individuals acting without the knowledge or authorization of high-level authorities. Three military intelligence officers and two gangsters were convicted in military and civil courts, respectively, and have begun serving their prison sentences.

Dissatisfaction of many in Taiwan with mainlander domination has resulted in demands for more representative government. The increasing prevalence of higher education, foreign travel, and access to news from abroad has accentuated the felt need for political development, particularly among the youth. An expanding, prosperous, and educated middle class displays a growing willingness to pressure the authorities about human rights issues.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There were no reports of any killings for political reasons in Taiwan in 1985.

The Taiwan authorities maintain that their highest levels had no connection with the October 1984 murder of U.S. citizen Henry Liu in Daly City, California, and insist that the Liu murder was an act of a few misled individuals in official positions. Earlier, when investigation of the Liu murder revealed that high-ranking military intelligence officers were directly involved, the authorities suspended the head of the Intelligence Bureau of the Ministry of National Defense (IBMND), Vice Admiral Wang Hsi-ling. In April, Wang and two of his aides were convicted for their role in the murder. Wang was sentenced to life imprisonment; his aides received sentences of 2 1/2 years. However, some foreign and domestic observers at the trials claim that there are inconsistencies in the testimony and that the court's failure to pursue pertinent aspects of the case, such as the motive for the murder, has left many questions unanswered.

b. Disappearance

In recent years, there have been no substantiated reports of persons being abducted or secretly arrested by the security services.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Although Taiwan law specifically prohibits the use of torture, individual members of the police or security forces are known to resort at times to physical violence in interrogating suspects.

Credible reports indicate that some Green Island Prison detainees picked up during the crackdown on crime are kept in leg irons for the first months of their unspecified period of detention and are permitted no contact with the outside world.

Taiwan's civilian prisons are severely overcrowded. According to a 1984 Ministry of Justice report, civilian prisons built

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to accommodate 15,983 prisoners were holding 22,908. Because of this overcrowding, prisoners are forced to share cramped living quarters and have few opportunities for work, exercise, or family visits. Even the opening of additional facilities has not provided adequate space. The massive influx of some 2,000 detainees, resulting from the authorities' crackdown on crime (which began with "Operation Clean Sweep" in 1984 and continued through 1985), has further taxed prison facilities.

In August 1985 the Ministry of Justice announced plans to build 5 new prisons over the next 6 years to accommodate 12,000 inmates. The Ministry also said that work on new sites for the Tainan and Kaohsiung detention houses is under way and is expected to be completed by April 1986.

According to a recent estimate, up to 15 percent of inmates in Taiwan prisons are serving sentences for writing bad checks. In 1984, the Legislative Yuan considered proposals which would have permitted offenders to pay fines in lieu of going to prison, a move which could have alleviated prison overcrowding. However, action on the bill is unlikely in the near term because of heightened concern about bad check writing in the wake of the 10th Credit Cooperative banking scandal in February 1985.

The security police-administered military prisons, where political prisoners are confined, are reportedly less crowded. Prisoners are said to receive the same food as soldiers and to have work and recreation opportunities.

d. Arbitrary Arrest, Detention, or Exile

Taiwan law requires that within 24 hours after an arrest, the arresting authorities must notify in writing the individual and his designated relative or friend of the reason for his arrest or detention. The Code of Criminal Procedure, which does not apply to martial law offenses, specifies that the authorities may detain an accused person for up to 2 months during the investigation phase prior to the filing of a formal indictment, and for up to 3 months during the trial. Furthermore, during the investigation phase, the prosecuting officer may apply to the court for one extension of 2 months. The period of detention may also be extended during the trial. In recent cases, the authorities generally have followed these procedures and extended the periods of detention. Exceptions occur more frequently in the military courts. Persons indicted for relatively minor criminal offenses can, at the judge's discretion, be released on bail.

Suspects are guaranteed the right to have a lawyer present during the interrogation and investigation phases; in some cases, windows and even closed circuit cameras have been installed in police station interrogation rooms to permit lawyers and family members to view the interrogation without hearing the questioning. However, individuals arrested by the security services do not have the right to legal counsel until after they have been interrogated and formally indicted.

The police may legally arrest without a warrant anyone they suspect of committing a crime for which the punishment would be 5 years or more in prison and may call in suspects or witnesses for questioning without a formal summons. Critics in the legal establishment, the press, and elective offices point out that these powers could easily lead to abuses.

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In July 1985 the Legislative Yuan passed the so-called "anti-hoodlum" law, which accords police authorities broad powers, including the power to determine whether a person should be designated as a hoodlum. The civil courts confirm or deny police requests to remand "hoodlums" for reformatory education but have no authority to determine the length of such education, which may range from 1 to 5 years. Detainees can be held incommunicado, and their families need not be notified of their arrests. Some critics believe that the law may be used to repress dissent, though to date there is no evidence to suggest that the law is being applied in this manner.

Many minor crimes on Taiwan are handled under a statute which empowers the police not only to arrest but also to prosecute and punish offenders. This law sometimes has been used against political activists. The provisions of the statute empower, the police to impose and carry out sentences of up to 2 weeks' imprisonment.

Taiwan does not allow forced or compulsory labor, and there have been no reports of the practice.

e. Denial of Fair Public Trial

Taiwan's legal system is based on European and Japanese models and does not provide for trial by jury. Informed observers characterize the judiciary as basically independent, although susceptible to pressure from the authorities, on whom judges depend for career advancement.

In 1985 the courts upheld plaintiffs' libel charges against opposition magazine publishers and senior editors. The defendants contend that both the lawsuits and the verdicts are politically inspired.

Under martial law, in effect since 1949, civilians who commit certain offenses, including sedition, may be tried in military courts. The authorities occasionally transfer "important" civilian cases (involving such crimes as armed robbery) to the military courts. The authorities state that the military courts' swifter and generally more severe justice acts as a deterrent to potential criminals. Sentences meted out in the military courts are reviewed only within the Ministry of National Defense.

Following the traditional Chinese pattern, in a typical criminal court case parties and witnesses are interrogated by a single judge (in high court sessions by the chief judge) but not by a lawyer or prosecutor. The judge may decline to hear witnesses or to consider evidence a party wishes to submit. Civil, but not martial law, specifically provides the defendant with protection from self-incrimination.

Court cases are generally heard through several brief court sessions often separated by weeks or months. In high court appellate proceedings new evidence may be introduced, and judicial review of district court judgments covers both fact and law. Persons convicted in cases where the sentence exceeds 3 years have the right to review by the Supreme Court. Those tried in military court do not have this right. The Supreme Court limits its review to the law of the case and to specific procedural aspects. Over one-half of all eligible cases are appealed and reviewed.

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The authorities deny holding political prisoners. Exact figures on the number of political prisoners are not obtainable; estimates by critics of the regime range from 130 to 256. According to the Executive Yuan (Cabinet), civilians have been tried by military courts for sedition, defined as opposition to basic policy. This includes expressing Communist sympathies, espousing views contrary to the authorities' claim to represent all of China, and supporting an independent legal status for Taiwan.

In March 1985, Ms. Lu Hsiu-lien, and in December 1985, Mr. Lin Hung-hsuan, two of eight persons convicted of sedition in 1980 for their part in the 1979 Kaohsiung Human Rights Day rally, were released on medical parole. One of the five persons still serving a sentence for his part in the rally, Shih Ming-teh, in April 1985 launched a hunger strike to protest the authorities' policies and to support his demands for implementation of democracy on Taiwan. As Shih's condition weakened, the authorities transferred him to a military hospital where he was fed intravenously. Shih ended his fast on September 1 and was moved to a prison in the Taipei area.

Conditions for most of the remaining Kaohsiung Incident prisoners reportedly have improved over the years, according to relatives. Relatives complain, however, that the prisoners continue to be denied access to regular work programs and recreational activities. They also charge that health care is inadequate. The authorities deny these charges, claiming that the curtailed activities and contact are aimed at protecting the prisoners from possible harm from other inmates and that medical care is the same for all prisoners. A key prosecution witness in the 1980 trial of the eight Kaohsiung prisoners revealed in a book published in July 1985 and banned in Taiwan that his testimony was a fabrication of the Investigative Bureau of the Ministry of Justice. The witness, Hung Chih-liang, disclosed that Investigative Bureau agents forced him to implicate opposition leader Huang Hsin-chieh and other members of the opposition. The authorities have so far refused either to review the case of the "Kaohsiung Eight" or to release those Kaohsiung prisoners still in prison, despite these charges.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The daily life of an individual not actively engaged in politics is subject only to minor interference by the authorities. The authorities impose limits on the use of the Taiwanese dialect (the mother tongue of most inhabitants on Taiwan) on television and radio. Romanized Taiwanese versions of the Bible are not permitted. The authorities do not interfere with basic family matters such as the right to marry or have children as one chooses. Membership in the KMT, the dominant political organization, is a matter of free choice.

Physical invasion of the home without a warrant is not common practice on Taiwan but does occur on occasion. As noted in Section 1.d., the Code of Criminal Procedure generally requires that searches be authorized by warrants, signed by a prosecutor or, during a trial, by a judge. However, exceptions to this rule have substantially increased following the July 1982 revision of the Code to provide for warrantless arrests under certain circumstances. When making such arrests, police may also search persons or property without prior authorization.

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Other types of violations of privacy, such as the monitoring of telephone calls, are believed by many to exist. The authorities deny that they monitor telephone conversations. In July 1982 the authorities instituted "selective postal checks" to intercept parcel bombs and illegal correspondence from the PRC.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Constitution guarantees freedom of speech and press. Current martial law restrictions, however, significantly limit these rights.

Critics maintain that the security authorities monitor political expression, both in Taiwan and overseas. Individuals are not free publicly to question the regime's basic political policy of anti-Communism or its claim to sovereignty over all of China. Anyone who speaks favorably of Communism or the PRC, or questions the legitimacy of Taiwan's mainland authorities by suggesting support for "Taiwan independence," can expect to be warned and, if they do not desist, to be charged with sedition and tried in a military court. In 1985, the ruling KMT circumscribed the role of KMT legislators, particularly in interpellation sessions of the Legislative Yuan, reportedly instructing them to refrain from going beyond the area of inquiry when posing questions or expressing their own ideas in speeches or in their writing.

Credible reports suggest that Taiwan agents keep tabs on persons from Taiwan in the United States suspected of being pro-PRC or pro-Taiwan independence. The authorities deny charges that political activities of such persons residing in the United States are systematically monitored. As noted in Section 1.a., several persons, including three senior military intelligence officials, have been convicted for their involvement in the California murder of Henry Liu, a U.S. citizen journalist of Chinese origin whose writings had often been critical of Taiwan's leadership and KMT governance of Taiwan.

On September 17, 1985 the authorities arrested U.S. permanent resident and California Chinese-language newspaper publisher Lee Ya-ping, who was visiting Taiwan, on charges of sedition for publishing what the authorities claimed were views favorable to the PRC. Following a U.S. protest, the authorities announced that the charges against Lee stemmed from her propagating such views in Taiwan, not in the U.S. On September 26 a military court concluded its investigation and sentenced Lee to a period of guided probation under the terms of which she was released to the custody of her family. Lee returned to California in October.

The number of newspaper licenses is limited to 31. Nearly all are owned by the authorities, the KMT, or high KMT officials. There are, however, several smaller privately-owned and independent newspapers. Control over daily newspapers is often exercised indirectly, through guidance from the authorities' information office and the KMT. Newspapers have gradually expanded their coverage of sensitive subjects, such as news from the PRC and controversial views of U.S. citizens of Chinese origin.

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Censorship of publications is carried out through provisions of the publications law, which empowers the security police to seize or ban printed material which "confuses public opinion and affects the morale of the public and the armed forces." As interpreted by the authorities, this covers a wide range of topics, including articles that discuss possible leadership changes, question the legitimacy of KMT rule, criticize Taiwan's foreign policy, or merely reveal behind the scenes news that is potentially embarrassing to the leadership. In 1985 the independent newspaper Min Chung Jih Pao was suspended for 1 week for what the authorities considered to be articles favorable to the PRC.

Although the limits of acceptable criticism are not clear cut, opposition publishers generally know when an issue of their magazine is courting a ban. In addition, reporters and editors exercise a considerable degree of self-censorship. Publishers have sometimes been willing to run risks in order to test the limits and boost sales. In 1985, the financial rewards associated with brisk sales before the authorities could confiscate all issues declined as the authorities' stepped-up monitoring of both printers and newsstands resulted in full, or large-scale, confiscation of banned magazines.

By the beginning of 1985, there were 10 non-KMT weekly magazines and 1 monthly public opinion magazine. During the year, most issues of these magazines were banned. The authorities argue that the issues distorted facts and sullied the reputation of leading figures. Some magazines were suspended for 1 year but by changing the name slightly were able to publish under other previously-issued licenses. Between June and September five magazines suspended publication because confiscations resulted in circulation losses and financial problems. Also in 1985, publishers of several non-KMT magazines were sued for libel. The defendants argued that the suits and the court judgments against them were politically motivated. A document allegedly leaked by a Government Information Office employee revealed that the authorities had apparently discussed plans to harass the opposition press through various means, including libel suits.

The authorities occasionally ban books. Although the writing of pre-World War II Chinese pro-Communist authors are formally banned, a few of their famous works are obtainable.

The authorities partially or wholly own all three of the island's television stations. Nonetheless, competition among them, as well as competition with the print media, has led to a gradual expansion of the coverage of sensitive topics, both domestic and international. Public opinion has also played a role in expanding media coverage.

Foreign publications are available but are also subject to censorship. Occasionally pages carrying articles offensive to the authorities are removed or blacked out before they are distributed. Some foreign publications are available through subscription only and are not allowed to be sold on newsstands. From time to time an entire issue will be withheld from distribution.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly is guaranteed by the Constitution. In practice, however, public assembly for political purposes,

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except during elections, is often circumscribed by martial law provisions. During the first half of the authorized campaign period preceding elections, all candidates are allowed to hold rallies, although these are closely monitored by the authorities. During the second half, campaigning is limited to highly structured, officially sponsored rallies in which both KMT and opposition candidates participate.

The 1983 Election and Recall Law prohibits holding campaign rallies in any form prior to the authorized period. The Law also permits joint rallies of two or more candidates only at officially sponsored rallies. Opposition politicians have been sharply and openly critical of these measures, claiming they hinder their ability to reach the electorate.

The formation, purposes, and operation of labor unions are regulated in considerable detail by the Labor Union Law of 1929. Unions are supervised by the Ministry of Interior, and may be dissolved for "disturbing public peace and order." By law, an industrial or craft union must be formed in each county or municipality having more than 30 workers in an industry, enterprise, or profession. The law also mandates union membership for all workers age 16 and above in each county or municipality where an appropriate union exists. However, enforcement of the law is lax, and, according to a 1985 report, fewer than one in five Taiwan workers belongs to a union. Government employees, teachers, and defense industry workers are prohibited from forming or joining unions.

By and large, labor unions do not exercise significant economic or political influence. However, informed observers have stated that union officials serving in the Legislative Yuan played an important role in negotiating the difficult August 1984 passage of the Labor Standards Law.

Walkouts and strikes are prohibited under martial law. Collective bargaining, although provided for by legislation, does not in fact take place. Individual factory unions do, however, facilitate the resolution of disputes. It is generally believed that labor unions, especially general federations, have close ties with the ruling KMT. However, KMT control is not absolute; for example, the Chinese Federation of Labor (CFL) is on record as being critical of the ban on strikes. The CFL, Taiwan's largest federation, maintains contact with the International Confederation of Free Trade Unions.

c. Freedom of Religion

The Constitution guarantees freedom to practice religion. This guarantee is generally observed in practice. Most Taiwan inhabitants adhere to Confucianism, Taoism, Buddhism, animism, or a combination of these beliefs. Other religions include Christianity and Islam. There is no state or favored religion. Some marginal Buddhist sects and the Unification Church have been banned in response to parents' complaints that these groups were exercising a corrupting influence on Taiwan youth.

While generally respecting the right to practice religion, the authorities have brought pressure to bear against religious organizations they consider to be involved in unacceptable political activity. The Presbyterian Church in Taiwan (PCT), whose approximately 190,000 membership is predominantly

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Taiwanese, has been a prime target. An October 1985 statement issued at the conclusion of an interchurch consultation convened by the PCT, and attended by foreign delegations from Christian churches, confirmed support for earlier PCT statements critical of the authorities' policies on national affairs and human rights. The statement also expressed the PCT's concern over "the difficulties facing the original residents of Taiwan" and appealed for a joint effort to protect their dignity and human rights.

Kaohsiung County authorities have been involved since 1980 in a dispute with a denomination called the New Testament Church over the right of church members to settle on a tract of leased public land near Kaohsiung, in southern Taiwan. In 1985 county authorities continued to harass church officials and followers who were evicted from the tract and to press charges against them, leading to further accusations by the church of religious persecution. County authorities contend that the church violated the terms of the lease.

During 1985, the authorities announced plans to resubmit a revised draft of the "Law for the Protection of Religions" as part of the fiscal 1986 legislative program. This would mark the fourth submission of the law since 1979. Each time, strong opposition from all church groups on Taiwan induced the authorities to withdraw the draft. Critics note that past drafts give the authorities the right to review the appointments of church officials, to ensure that religious doctrines conform to "basic national policy," and to require foreign religious missions to pledge not to engage in nonreligious activities. The authorities argue that the law's regulatory powers are necessary to ensure that religious activities do not jeopardize Taiwan's "national security." They have, however, declared that they will consult with representatives of Taiwan's various religious denominations before submitting the new draft for legislative approval.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for the freedom to change residence, but registration of one's residence is required. Except for military and other restricted areas, there is general freedom of internal travel in Taiwan. Emigration and private travel abroad have become freer since 1979. In 1984, 750,000 Taiwan residents went abroad for tourism. Since 1980 businessmen have been permitted to travel to, and do business directly with, certain Eastern European countries. Although travel to the PRC is officially prohibited, the authorities often overlook some discreet travel to the mainland. After the last calendar day of the year in which they turn 15, males may not leave Taiwan until completion of compulsory military service. Permission to leave Taiwan may be delayed or withheld by police denial of an exit permit. Although in the past outspoken critics have been denied exit permits, in recent years a number of persons openly critical of the KMT have been permitted to travel overseas.

In general, the authorities recognize the right of those Chinese who hold Taiwan passports, and who normally reside in Taiwan, to return from abroad. Those issued "overseas Chinese" passports do not automatically have the right to travel to Taiwan for permanent residence. In principle, Taiwan will not authorize the entry of Chinese between the

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ages of 16 and 75, even those who have long held Taiwan passports, if they have lived in Communist-controlled areas within the preceding 5 years.

A 1984 law authorizes the authorities to detain or revoke the Taiwan passport of persons whose behavior violates the interests of Taiwan, or endangers security, public order, tradition, or Taiwan's economic interests. Critics of the law claim that it gives the authorities the power to revoke the passport of any person who makes remarks overseas that are deemed inimical to Taiwan's interests. This, they argue, places undue restriction on the opposition's right to travel and to make its views known outside Taiwan. However, there have been no reports of the law having been used in this way during 1985. The authorities say the measure is necessary to curb the activities of economic criminals--tax evaders, persons engaged in illicit activities, and those who have left large debts behind in Taiwan.

Under Taiwan's "Orderly Departure Family Reunification Program," since 1977 more than 5,500 ethnic Chinese from Indochina have been resettled on Taiwan and nearly 2,000 persons who arrived from Indochina by small boats have been granted "temporary" refuge. With the exception of 58 who found sponsors and resettled on Taiwan, all of those arriving by small boats have been resettled in third countries. Ninety are currently awaiting resettlement. The authorities report that there have been no refugee cases from non-Communist areas. They advise that any such instances would be dealt with on a case-by-case basis. Refugees are not forced to return to their country of origin.

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

Effective political power resides with the aging KMT leadership which fled the mainland in 1949. Reflecting their claim to be the government of all of China, the authorities maintain not only a provincial and local government system, but also an array of political bodies identical to those found on the mainland prior to 1949. The locus of power on Taiwan is the Presidency, the Executive Yuan, and the KMT Central Standing Committee. This power is exercised by a small number of top figures in these organizations, particularly by the President. Although the number of Taiwanese in the Cabinet and the Central Standing Committee has been gradually increasing, they do not wield significant power within these bodies. Hence, although Taiwanese hold a number of high positions including those of Vice President, Vice Premier, Ministers, Governor of Taiwan, and mayors of Taipei and Kaohsiung, their power individually, and even their collective influence, is limited. However, as representatives of the majority population, their views form an important consideration as the leadership decides on major policies. Taiwanese have greater effective power at the local level, where they hold most of the executive and KMT party positions.

The most important elective bodies at the central level are the National Assembly, which convenes every 6 years to elect the President and Vice President, and the Legislative Yuan, which is the Parliament. There have been no general elections to these two bodies since 1948. Surviving mainland representatives elected in 1948 continue to hold their seats and to form the bulk of these bodies' memberships. Since

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1969, periodic "supplementary elections" have been held to choose additional representatives from Taiwan province and the offshore islands (which are considered part of Fukien province). Nevertheless, only 989 out of 2,691 seats of the National Assembly are currently filled, including 75 supplemental members. Of the Legislative Yuan's current membership of 760, the supplemental legislators number 71 and constitute the most active group, due largely to the advanced age and incapacity of those elected 37 years ago on the mainland.

The nature of the elective bodies continued to spark calls by both opposition and KMT politicians, academicians, journalists, and legal experts for more representative institutions. The authorities are extremely reluctant to adopt any measures that might undercut the mandates of those parliamentarians who were elected on the mainland in the late 1940's, as to do so could call into question the authorities' claim that these bodies represent all of China. In 1985 the National Assembly did not endorse any proposals to fill the vacancies. Leaving vacancies open increases the proportion and influence of the elected supplemental members.

The central authorities appoint the Taiwan Provincial Governor and the mayors of Taipei and Kaohsiung. Elections for the Provincial Assembly and county and other municipal level offices have been held regularly since 1950. The November 16, 1985 election for county and city offices and the Taiwan Provincial Assembly was, in general, considered fair, within the strictures laid down by the authorities for the conduct of elections on Taiwan. Universal suffrage exists for citizens 20 years of age and over. Voting is voluntary and by secret ballot; voter turnout runs over 70 percent.

One party, the KMT, dominates Taiwan, as it has since 1945. There are also two miniscule, nominally independent parties which came from the mainland. Although the KMT's structure and control mechanisms are based on Soviet models, the party's operations are considerably more flexible. Party organs exist at all levels of the ruling structure, as well as in the military, schools, and other public institutions. People who arrived from the mainland after 1945 dominate the highest echelons of the KMT. Taiwanese predominate at local levels and are playing an increasingly important role in the middle and higher levels. Taiwanese comprise more than 60 percent of the KMT's total membership of approximately 2 million, and 66 of the 71 elected supplemental members in the Legislative Yuan are Taiwanese.

In the 1983 Legislative Yuan elections, the KMT won slightly over two-thirds of the vote and 61 seats. The opposition and independents won six and four seats respectively. The role of the opposition is greater than its small numbers might indicate. Opposition members are very vocal in elective bodies and frequently use interpellation sessions to raise controversial or sensitive issues.

New political parties are forbidden under martial law. Candidates who oppose the KMT in elections run as "outside the party" (dangwai) candidates. Although not permitted to form a party, the dangwai politicians organize "campaign assistance groups" to contest elections.

Dangwai candidates face several disadvantages in the election process. The 1980 election law forbids the participation of

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students, formerly a prime source of campaign workers, and limits the campaign period before an election, i.e., 15 days for National Assembly and Legislative Yuan elections, and 10 days for local, county, and provincial elections. The revised election and recall law enacted in June 1983 abolished joint rallies and pre-campaign "get-togethers," campaign tactics favored by the opposition. The law also placed ceilings on campaign expenditures, political contributions, and the quantity of campaign paraphernalia. The opposition argues that these provisions further reduce its ability to compete with well-financed, well-organized KMT candidates and hinder contact with the electorate. Opposition politicians label as ineffective the newly adopted provisions penalizing candidates for vote-buying and bribery. Press self-censorship and banning result in less publicity for the views of the opposition, which further handicaps dangwai candidates.

The 1983 revisions of the election law also changed the method of indirect election of members of the Control Yuan (which exercises powers of impeachment, censure, and audit). Under revised election procedures, electors (members of the Provincial Assembly and various county and city councils) must cast their two mandatory votes for two separate candidates, thereby making it impossible for opposition members to pool their limited votes behind one candidate.

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

In past years, the Taiwan authorities have occasionally permitted representatives of international human rights organizations and private individuals interested in human rights issues to meet with appropriate officials and individuals.

The nominally nongovernmental Chinese Human Rights Association, a strongly anti-Communist organization that originally focused its attention on human rights questions in the PRC, is devoting more of its efforts to human rights on Taiwan. The association has sponsored tours for lawmakers and legal experts to examine Taiwan's crowded prisons and has established a free legal aid service. In 1984, the association strongly urged the authorities to release all remaining prisoners at the Green Island Military Prison who have served 30-year sentences. The association also acted as one of the mediators in efforts to resolve the hunger strike by Kaohsiung Incident prisoner Shih Ming-teh.

In December 1984 a group of opposition lawyers, parliamentarians, scholars, and doctors established the "Taiwan Human Rights Association (THRA)". The authorities have stated that the THRA cannot be officially recognized because it has not been registered in accordance with the "Law Governing the Organization of Civic Bodies During the Extraordinary Period." This law permits the registration of only one association per organizational function. The authorities have noted that the Chinese Human Rights Association already has been registered and, therefore, a second human rights organization may not legally be established. THRA sponsors argue that the civic bodies law is unconstitutional because it was promulgated before the Constitution was adopted. This issue has not been resolved, and to date the THRA has neither been registered nor disbanded.

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In its 1985 Report, Amnesty International stated that it was continuing to appeal for the release of 23 prisoners of conscience, that it was investigating the cases of some 70 other political prisoners, and that it was concerned about reports of torture and ill-treatment of several prisoners detained on criminal charges. Freedom House rates Taiwan "partly free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Taiwan's population in July 1985 was 19.1 million with a growth rate of 1.4 percent. Taiwan has one of the strongest economies in Asia. With the global economic downturn, growth began to slow in 1985, but Taiwan's GNP (\$3,067 per capita in 1984) was still projected to grow 5 percent in 1985. Economic benefits are widely distributed among the population as a whole, and most basic needs are met.

Prospects for Taiwan's continued economic well-being are good as the authorities work to shift the focus of Taiwan's export-based economy from labor-intensive to high-technology industries. Official unemployment in 1984 averaged 2.4 percent. However, unemployment has been increasing in recent months, and the official rate rose to 4.1 percent in August 1985. Some estimate that actual unemployment is about double the official rate, and underemployment even higher.

Taiwan's fiscal 1985 budget allocated more than 30 percent of expenditures to education, science, culture, and social programs. Taiwan has developed an effective public health program. It consists of a health clinic system throughout the island that comprises more than 11,000 medical care facilities. In 1984, for every 10,000 persons, Taiwan had 7.9 practicing physicians, 9.0 practicing nurses, and 32.5 hospital beds. Health promotion programs include maternal and child disease control and environmental sanitation. The infant mortality rate for 1985 was 19.9 per 1,000 live births. Major epidemic disease has been reduced, although limited outbreaks still occur. Safe water is accessible to 77.6 percent of the population. Because of these public health programs and a generally good diet (1985 per capita average daily caloric intake was 2,818, the highest in Asia), life expectancy at birth has increased to 70 years for men and 75 years for women. Although successful birth control efforts have brought the population growth rate down, Taiwan has a population density of 528 per square kilometer, the second highest in the world, and the authorities remain concerned about increasing population pressures.

Education is a primary concern of the authorities and the population in general. Of the population over age six, 91.2 percent is literate. Of school-age children, 99.8 percent are currently in school. Free, compulsory education is available through junior high school. About 70 percent of junior high school graduates pass examinations and enter 3-year senior high and vocational school programs. Entry into Taiwan's extensive system of higher education is also based on competitive examinations, and departures from a strict merit system are almost nonexistent. In 1984, more than 17 percent of college-age youths (18-24 years) were enrolled in undergraduate or graduate programs.

The 1984 Labor Standards Law in principle provides for improved protection of workers' welfare. According to the Ministry of Interior, which is responsible for enforcing the

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law, the law is applicable to about 4 million of Taiwan's 7.5 million workers, mostly blue-collar workers or those who work in public utilities, transportation, and communications. The 1984 Law improved protection for female and child workers. The definition of child worker was raised from a person under 14 years to one between the ages of 15 and 16, who can be employed without special permission but for whom the law requires special working conditions (the Labor Standards Law prohibits the employment of anyone under age 15 unless that person has graduated from junior high school or has obtained special permission to work). Women generally earn 40-50 percent less than men and, although the law now prohibits sex discrimination, there is little to suggest that women will challenge the status quo. The law also covers working hours--Taiwan's workweek is generally 6 days, though many companies only work a half day on Saturday--and requires employers to give workers annual leave, although these provisions have not yet been fully implemented. Taiwan's official minimum wage was raised in July 1984 to \$154 per month.

Under the law, firms with more than 30 workers must have rules of work approved by the central authorities and posted at the work site. A major feature of the 1984 law is that now individuals, not just corporations, can be punished for violations. The same work rules apply to Taiwan's free trade zones.

Enforcement of safety and health standards is frequently weak. Over 95 percent of Taiwan's businesses are small, family-owned firms which largely employ relatives and friends, who are often reluctant to report violations of labor and safety regulations. Much of Taiwan's mining industry is to be phased out over the next several years due to inadequate safety and low profitability, with displaced workers retrained for other occupations.

The few laws which discriminate against women relate mostly to divorce issues and inheritance. A revised Civil Code passed by the Legislative Yuan in March 1985 provides for more equal treatment of women in the areas of marriage and divorce. In recent years women have taken an increasingly active role in local politics and have been increasingly successful votegetters. Election regulations ensure that women hold a minimum of 20 percent of elected offices at both the central and local levels. Enrollment of women over 18 years of age in institutions of higher learning has increased during the past 30 years from 1,750 students in 1953 (0.3 percent of the total number of students enrolled) to 131,297 students in 1983 (9.7 percent of the total number of students enrolled). A fledgling women's rights movement is growing slowly.

Taiwan's only nonethnic Chinese minority group consists of descendants of Malayo-Polynesians who were already established in Taiwan when the first Chinese settlers arrived. These aboriginal people comprise slightly more than 1 percent of Taiwan's total population. There is no official policy of discrimination against them, but the barriers created by de facto cultural and economic discrimination are frequently difficult to surmount, and thus aboriginal "mountain people" occupy the bottom rungs of Taiwan's socioeconomic ladder. Specially designated seats in both central and provincial legislative bodies are reserved for aborigine representatives, and the authorities have instituted a number of social programs to ease the aborigines' transition into the dominant Chinese society.

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Fiji is a multiracial society of 700,000 citizens made up of indigenous Melanesians/Polynesians (43.4 percent), ethnic Indians (51 percent), and European, Chinese, and other Pacific Islanders (5.6 percent). It has a bicameral parliamentary system inherited from the British colonial period which ended in 1970. Its Constitution provides safeguards to protect traditional communal social systems, including land tenure rights of the indigenous Fijians.

The individual civil and political rights of Fiji's citizens are protected by law, a court system which functions effectively and rapidly, a free press, free democratic elections, and a government which supports cultural diversity. Basic human rights such as free association and the right to own private property are enshrined in law and observed in practice.

Fiji is a developing country whose main industries are sugar refining and tourism. Industrial development is proceeding primarily through the expansion of light manufacturing.

During 1985 Fiji continued its excellent human rights performance.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

Politically motivated killing by the Government or opposition political organizations is unknown.

b. Disappearance

There were no disappearances in 1985 nor was there any evidence of people being abducted, secretly arrested, or clandestinely detained.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture, prohibited by law under the Constitution, is not practiced. Cruel, inhuman, or degrading treatment or punishment is illegal and neither condoned nor practiced. There are no summary executions. Treatment of prisoners is impartial and humane. In addition to constitutional prohibitions, Legal Notice No. 51 contains specific regulations on treatment, visiting rights, clothing, etc., which are respected in practice. Prisons remain overcrowded, but prisoners can serve their time and live outside the prison environment for the last 12 months of sentence and for any sentence of 12 months or less. Legislation also allows gainful employment, in addition to commitment to perform public work, while serving extramural sentences. Public defenders are available, and the Fiji Red Cross has access to detainees.

d. Arbitrary Arrest, Detention, or Exile

Habeas corpus exists and is honored in practice, and there is no preventive detention. In addition to constitutional safeguards, Legal Notice No. 14 establishes detailed rules to

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be followed by the police during arrests. A suspect can be held no more than 24 hours without charge following arrest. Exile is not practiced.

Fiji does not permit the use of forced or compulsory labor and there have been no reports of either practice.

e. Denial of Fair Public Trial

Public trial is guaranteed by law and honored in practice. Defendants are entitled to counsel, and counselors have free access to defendants. Defendants are made fully aware of the charges brought against them, and they and their lawyers have access to the evidence upon which charges are based. Fiji's courts are independent of executive or military control. There are no special courts and civilians are not tried by military courts.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The sanctity of the home is respected. Warrants issued by a magistrate are required for officials to enter a private residence. There is no arbitrary intrusion by the state or political organizations into the private life of the individual.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Freedom of speech and press are guaranteed by the Constitution and observed in practice. The press is free and private and not censored or controlled by the Government. However, Fiji inherited an ordinance from the Colonial Administration which allows the Government to order a correction in the press if the Government believes it has been misrepresented. This ordinance, though very seldom used, is resented by the press since it requires giving equal space and equal placement to the Government's statement. There is no interference with academic inquiry.

b. Freedom of Peaceful Assembly and Association

There are no impediments to assembly or to freedom of association, although an ordinance requires obtaining a permit one week in advance of any picketing or public demonstration.

Fiji has an active trade union movement, recognized by the Government, which has the right to organize, strike, bargain collectively, and lobby. Fiji's 50 trade unions have about 45,000 members. Unions must give a 28-day notice of intent before going out on strike in the public sector. Fiji's largest trade union confederation is associated with the International Confederation of Free Trade Unions and participates in conferences of the International Labor Organization.

c. Freedom of Religion

All religions are tolerated and allowed to practice freely. There is no dominant religion in Fiji, nor is any singled out for discrimination. Evangelical religions are free to seek converts and actively do so.

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d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

All Fiji citizens are free to travel anywhere within the country and abroad. There are no restrictions on repatriation. There are no displaced persons in Fiji.

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

Fiji's political structure is designed to accommodate the special interests of the ethnic Fijians and of the ethnic Indian community. Election to the House of Representatives is on the basis of communal and national rolls. House elections are free and democratic, and many parties contest the seats. In Fiji's most recent national elections, 84.4 percent of the voting-age population participated. Members of the Senate are appointed by the Fiji Council of Chiefs, the Prime Minister, and the leader of the opposition.

Fiji's court system has tried, and in some cases convicted, persons charged with voting fraud, including a member of the governing party.

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

There have been no reported allegations of human rights violations by the Fiji Government nor any known requests for investigations. Fiji's Ombudsman investigates complaints against the Government while maintaining the confidentiality of the complainant. A free, independent, and competitive press also serves as a watchdog for human rights. There are no adverse consequences associated with actions of either of these institutions. The 1985 Amnesty International Report did not contain an entry on Fiji. Freedom House rates it as "free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

In 1985 Fiji's population was 700,000 and the growth rate 2 percent. The economy is divided between a subsistence agriculture and a cash-based economy, the former characteristic of the outlying islands and the latter typical of the group's two main islands. Although the per capita gross national product is relatively high for a developing nation at \$1,790 (World Bank figures for 1983), the country's wealth is not evenly distributed between the urban and rural sectors. In 1985, 30 percent of the rural population fell below the absolute poverty level. Fiji seeks to increase economic opportunities through regional planning and economic incentives. Its most recent development plans have called for increased attention to agriculture and rural development programs and the commitment of resources to improve housing, nutrition, health services, and education in the rural areas.

Health care has been expanded with an emphasis on preventive medicine. Fiji's infant mortality rate declined from 36.6 per 1,000 in 1982 to 23.1 in 1985. Life expectancy at birth is 66.96. The percentage of the population with access to safe water has risen dramatically in the last decade. In 1980 statistics showed 77 percent of the population had access to safe water (94 percent urban, 66 percent rural). Fiji's rich soil and tropical climate combine to give its people an

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adequate diet. The ratio of calorie supply relative to nutritional requirements was estimated by the World Bank at 131 percent in the 1980-1982 period.

Three-quarters of the population are literate. Almost all Fijians are bilingual in English and either Fijian or Hindustani. Virtually all primary-age children are enrolled in school, as are 90 percent of secondary school-age children. The total primary school enrollment ratio in 1981 was 116.05 (117.73 male, 115.93 female).

Worker rights in Fiji are protected under several pieces of industrial legislation. No child under age 12 may be employed in any capacity. Children (persons under age 15) and "young persons" (age 15 but under age 18) may not be employed in any capacity which is hazardous to health, dangerous, or otherwise unsuitable. Children are forbidden to be employed in industry or in attendance on machinery. With some exceptions, women and young persons may not be employed in industry between 6 p.m. and 6 a.m. There is no national minimum wage; however, several statutory and nonstatutory bodies have been established to set minimum wages by sector. Fiji's Employment Act protects workers from summary dismissal without just cause. A Workmen's Compensation Act and an accident compensation plan have been enacted to set safety standards in the workplace and establish guidelines for compensation for workers injured on the job. Some unions in Fiji have criticized employers and the Government for failing to take action to remedy unsafe working conditions after they have been notified of them by the unions. The largest number of such allegations have been made in connection with Fiji's sugar industry, the largest and most "industrialized" sector of the economy.

The Government neither condones nor encourages discrimination based on sex, race, or religion. The Constitution states that "every person in Fiji is entitled to the fundamental rights and freedoms of the individual, that is to say, the right regardless of race, place of origin, political opinions, color, creed or sex..." There is a growing awareness among women of both the Fijian and Indian communities of their right to participate more actively in social and political endeavors. However, women in rural areas continue to fill the traditional roles of village life and few women hold high-level business or political positions. Tribal inheritance is usually based on a patriarchal system. Women can and do, however, inherit status as chiefs; Fiji's third highest ranking chief is a woman.

About 85 percent of the land in Fiji is owned communally by the indigenous Fijian people. Approximately 6 percent is government land, leaving less than 10 percent as freehold land. Communal and government lands can be leased but not sold; only freehold land can be purchased outright. The arrangement regarding land ownership was instituted to protect the interests of indigenous Fijians from the more economically competitive Indo-Fijians, but some of the latter consider it discriminatory and an interference with their own freedom to develop. Some members of the Indian community also complain that it is difficult for them to obtain government-backed financing for investment projects.

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Indo-Fijians have generally experienced greater success in the pursuit of educational studies and in the accumulation of wealth through investment in private enterprise. Most businesses in Fiji are owned and operated by Indo-Fijians, and they are more heavily represented in the civil service. Some indigenous Fijians view the concentration of Indo-Fijians in business and government as discriminatory to their own racial group.

INDONESIA

The "New Order" Government, which came to power in 1966 in the wake of an abortive, Communist Party-backed coup, has its authority concentrated in a small group of active-duty and retired military officers and civilian technocrats acting under the dominant leadership of President Soeharto. A partly elected, partly appointed Parliament serves as a forum for consultation on and promulgation of legislation proposed by the Executive Branch. In reaction to the legacy of political and economic turmoil from the Sukarno days, the Government gives priority to economic development, stability, and social equity, and has been generally successful in these areas.

Faced with a wide diversity of ethnic, social, linguistic, and religious groups, Indonesian governments have continually sought to create a national identity and develop a governing system which can accommodate this diversity while strengthening national unity. In meeting this challenge, the Soeharto Government has made Pancasila the national social and political ideology and the centerpiece of its political program. Pancasila consists of five principles: belief in one supreme god, belief in a just and civilized humanity, nationalism, democracy, and social justice. Government based on it emphasizes social harmony and the traditional Indonesian process of consultation and consensus as major elements in decisionmaking. In 1985 the Government passed legislation strengthening Pancasila's central role in society by requiring all social organizations to acknowledge Pancasila as their fundamental philosophy.

Indonesia has a mixed economy with the State involved in nearly all sectors. The remarkable economic growth over the past decade has recently slowed somewhat. Chinese-Indonesian citizens are heavily represented in the modest but increasingly active private sector. Indonesia's national ideology and current 5-year economic plan stress improved social welfare for all without discrimination.

Although there were improvements in the human rights situation in 1985, problems nevertheless remain. These include unexplained deaths and disappearances, reports of torture and cruel treatment of prisoners, and restrictions on freedom of speech and press, freedom of movement, and activities of political parties and labor organizations.

In East Timor periodic skirmishes between the dwindling number of Fretilin guerrillas and the army continued, with unknown but relatively small numbers of casualties on both sides. The Government has permitted increased access to East Timor, including a series of escorted diplomatic visits and tours by Western newsmen. As a result of ambitious government plans, East Timor is benefiting from significant improvements in social services, particularly education and health centers, communications, and economic conditions.

In Irian Jaya, fear of activities by the Organization for Papuan Freedom (OPM) rebels and the Indonesian army continued to influence Irianese to cross into neighboring Papua New Guinea. Observers believe that reduced Indonesian military activity in Irian Jaya has significantly cut down the number of new border crossers.

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RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

Press reports of covert summary executions of suspected criminals continued to appear in 1985, although the overall number of killings is believed to be less than in previous years. The executions, begun in 1982, started as a response to the fast-rising rate of violent crime. While the specific perpetrators of these executions, known euphemistically as "mysterious killings," have not been publicly identified, past comments by government officials supported the widespread public suspicion of government involvement. In contrast to previous years, government officials made virtually no public comments on the so-called "mysterious killings".

Officially, press reporting of "mysterious killings" is banned, but in practice a variety of newspapers report periodic discoveries of unidentified corpses found shot, stabbed, or beaten to death, which, combined with other characteristics, are generally understood to mark victims of "mysterious killings." One widely respected daily newspaper reports crime statistics from time to time, including unidentified, unexplained murders, implying a monthly figure of 25 to 50 victims country-wide, but it is impossible to know how many of these should be considered "mysterious killings." It is very difficult to estimate the number of such killings as they are indistinguishable from many other acts of violence, particularly among criminal bands. In the past there have been claims that some of the killings were politically motivated, but no such assertions have been made recently. Earlier claims were not substantiated.

Another police response to increasing crime is a new policy of "shoot to kill" in instances of violent crimes where the criminal is attempting to escape from the police. Presumably as part of an effort to make this new policy well-known, incidents of police shootings have received wide press coverage over recent months.

There have been no substantiated reports of political killings in Irian Jaya or East Timor, both areas of ongoing internal strife between authorities and the rebels. The Government continued to offer amnesty to rebels in both provinces. The commander of a Fretilin military unit, Muruk, and several of his followers took advantage of the amnesty and surrendered in January, 1985. Although the Government maintains restrictions on their movements, the amnesty has been generally respected for these individuals. While rebel activity in Irian Jaya continues, there have been no reports of political killings on either side.

b. Disappearance

In late 1985, an Indonesian Muslim social organization developed a list of 40 or more people who "disappeared" during the 1984 Tanjung Priok Riots and are presumed dead. Continued reports of disappearances often refer to cases before 1985. The Amnesty International report on East Timor, published in 1985, for example, lists disappearances up to 1984. Regularized International Committee of the Red Cross (ICRC) access to prisons in East Timor and elsewhere in Indonesia has

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helped to locate some persons thought to have disappeared. In Irian Jaya, increasingly, persons presumed to have disappeared are found to have crossed into Papua New Guinea.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Although stated government policy discourages torture and cruel punishment of prisoners or detainees, instances of torture, cruel treatment, and even death while under detention are reported periodically in the press and elsewhere. Amnesty International, in its 1985 Report on East Timor, again cites what it claims is a military manual issued to Indonesian troops in East Timor which appears to permit the use of torture and threats on the lives of prisoners. The U.S. Government is unaware of any evidence that would verify the authenticity of the document. There have been a number of press reports of prisoners' claims of maltreatment by the police, and of individuals arrested and subsequently dying while in police custody. The authorities generally do not respond to such reports nor do they provide the public a more detailed explanation about the victims' deaths.

d. Arbitrary Arrest, Detention, or Exile

Although the December 1981 Criminal Procedures Code (KUHAP) contains protections against arbitrary arrest and detention and specifies the right of prisoners to legal counsel and notification of family members, a number of abuses still occur. The provisions of the KUHAP are honored more often in urban areas than in small towns or remote provinces, in part because of a shortage of trained trial lawyers and ignorance of the law on the part of those detained as well as by the police. Indonesian law does not specifically include the right of habeas corpus or its equivalent. Martial law, declared in 1957, has never been lifted. Under special emergency provisions instituted in 1966, a military organization, the Command for the Restoration of Security and Order (KOPKAMTIB) has wide powers to detain and interrogate persons thought to endanger national security. These special powers supersede the KUHAP protections and apply particularly to cases of suspected subversion, sabotage, secession, or corruption. No cases of KOPKAMTIB exercising its extralegal powers were reported during 1985.

Although precise estimates of the number of persons detained without trial are unavailable, human rights observers believe there may be at least as many as 500 throughout Indonesia, including in Aceh, East and Central Java, Irian Jaya, and East Timor. The Governor of East Timor reports that a number of Timorese have been released from detention for lack of evidence. Since 1981 Indonesian authorities have used Atauro Island off the coast of East Timor as a detention facility for Timorese suspected of supporting Fretilin, or of having family members fighting with it. The number of detainees at Atauro reached 4,000 in late 1982 and then fell steadily. In October 1985, when the Government returned 239 detainees to the main Timor Island, only 932 remained on Atauro, most of them from the Viqueque area. While the Government intends to return them as soon as possible, many have asked to stay on Atauro until there is no longer any possible Fretilin threat in the Viqueque area. In the meantime, the ICRC continues to provide nutritional and medical assistance to those still detained on Atauro.

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Although Indonesia is a party to a number of International Labor Organization (ILO) conventions on the right to organize and bargain collectively and on forced labor, government officials have made clear that Indonesia's obligations under these conventions will not be allowed to interfere with "Pancasila" labor relations. There have been no reports of the use of forced labor in Indonesia in recent years.

e. Denial of Fair Public Trial

Political interference and corruption exist in the Indonesian legal system. In criminal proceedings, defendants are sometimes able to buy their way out of prosecution at various stages of the proceedings. In civil cases, court decisions are sometimes influenced by the payment of bribes. In response to these abuses, from time to time the Government has taken action against particularly flagrant offenders, but by and large these practices continue unabated.

In cases involving what could broadly be defined as "political" issues, particularly instances in which persons are being tried under the subversion provisions of 1963, the accused are rarely, if ever, found innocent. The Government vigorously pursued prosecution of persons charged in connection with the 1984 Tanjung Priok riots. All of the persons tried during 1985 for involvement with the riots or the various bombing incidents in Java in 1984-85 have been found guilty of antigovernment activity and received stiff sentences. In all such security-related cases, it is widely believed that the Government will ensure conviction irrespective of the evidence presented in court. Although the Government has not announced data on the number of persons serving sentences for subversion, one reliable estimate suggests there may be several hundred.

A number of well-known figures were tried in 1985 under subversion laws: Muslim preacher A.M. Fatwa for purported instigation of rioting in Tanjung Priok in 1984; retired Lieutenant General H.R. Dharsono for subversive and criminal activity following the riots; a former government minister for involvement in bombings in Jakarta; and a 23-year-old publisher in Jogjakarta accused of printing articles appearing to oppose the Government. Fatwa was convicted and sentenced to 18 years in prison. Attorneys for General Dharsono sought to have the case dismissed on the grounds that the 1963 regulations, promulgated in response to the serious internal instability of that time, were no longer valid in Indonesia's present stable condition. The court did not accept this argument. In the same case, Dharsono's attorneys claimed the retired general was not permitted to meet with legal counsel for most of the 7 months he was held preceding his trial, and that his continued detention during trial contravened common legal practice, which would permit him to be released on bail. However, during the trial he was given full opportunity to air his views and those of defense witnesses as well; although the court permitted only 6 of the 12 witnesses the defense sought to testify. Dharsono received a 10-year sentence.

The Government's execution of four former Indonesian Communist Party (PKI) activists in mid-1985 generated strong criticism from some foreign governments and private organizations. The Government responded by noting that each of the victims had been tried, provided the right of appeal, and executed in accordance with Indonesian law.

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Indonesia's criminal justice system lacks the number of courts, trained judges, prosecutors, and police needed to cope with the increase in crime in recent years. As a result there are frequently lengthy delays in scheduling trials. Trials are conducted by a three-judge panel which hears evidence, decides guilt or innocence, and assesses punishment. Although the right of appeal is not absolute, it is observed in most cases. Most court sessions are open to the public, and most defendants have access to counsel.

As government employees, judges in Indonesia come under the jurisdiction of the Executive Branch. The Indonesian society of trial lawyers, Peradin, has noted that interference from the Executive Branch greatly affects the independence of the judiciary. In 1985 the Government proposed legislation which would establish judges as civil servants with a slightly more independent position.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Judicial warrants for searches are required except for suspected subversion, economic crimes, and corruption. However, forced or surreptitious entry by security agencies reportedly occurs periodically. Both local and international telephone calls are believed to be monitored selectively by government security agencies. Although, in general, correspondence is not monitored, letter mail to and from East Timor is subject to official scrutiny.

Permits are required for the import of foreign publications and video tapes, which must be reviewed by government censors. Some foreign newspapers and magazines, especially from Australia, cannot be imported. Communist literature is prohibited. Foreign publications which do enter Indonesia are subject to censorship.

Excepting one quasi-official daily newspaper which uses Chinese characters and claims a circulation of over 100,000, Chinese language publications can neither be imported nor produced domestically. Chinese characters are routinely blotted out of foreign news photos and advertising. There are no laws against speaking Chinese, but the Government lays heavy stress on the learning and use of the national language, Bahasa Indonesia, to promote national unity.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Freedom of speech and press is circumscribed. The Constitution gives Parliament the authority to legislate these restrictions. In recent years, Parliament has helped create a body of law delimiting the rights of individuals and of the Government. In the absence of implementing regulations for many of these laws, different government agencies frequently interpret them as they choose. The result is that these agencies hold considerable discretionary authority in the field of civil rights; e.g., in freedom of the press and speech. Traditional governmental concern about public statements or publications which could be perceived as critical of the Government, and therefore threatening to the nation's stability, is a major factor inhibiting the exercise of free speech and press.

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Opposition groups are generally free to meet and formulate views, but they are inhibited from disseminating them publicly because of media reluctance to risk official disapproval or because of informal government instructions not to publish the opinions of or news about prominent opposition figures. In 1985 the Government brought to trial several well-known figures whom it accused of committing or contributing to possibly subversive acts while speaking their views. Authorities provided general topic guidelines to Muslim speakers during the Muslim holidays, when preachers addressed large gatherings. In a few instances, preachers who went beyond these guidelines were arrested.

The general lack of specific, clear guidelines on what is permissible has generated a significant degree of self-censorship both in public speaking and in the press. School faculties sometimes refrain from producing materials, including dissertations, which they believe might provoke government displeasure. Publishers also are unwilling to accept manuscripts dealing with controversial issues. Foreign books critical of the Government or dealing with sensitive topics, such as human rights, are similarly avoided by importers. Foreign periodicals, readily available in Indonesia, are scrupulously censored by their private importers in order to avoid government confiscation of the materials. With few exceptions this self-censorship is thorough and effectively responds to government concerns.

The press is largely privately owned. While espousing a "free" press, the Government expects the media to be "responsible" by supporting national economic development goals and domestic stability. While journalists and publishers practice considerable self-censorship, the Government closely monitors the media for material it finds unacceptable. In such instances, editors or journalists routinely receive oral instructions from government officials about news which cannot be reported. Articles and editorials do address sensitive issues, and, within the vaguely defined limitations, journalists are sometimes given a surprisingly wide latitude in which to operate. Directly or indirectly the press periodically criticizes government officials and policies, with no negative result from authorities. Outside Jakarta the press occasionally draws public attention to corruption cases involving government officials.

There is a single, government-run television network. Private radio stations, of which there are more than 400 throughout the country, are required to use government-provided news reports.

In 1985 the Government invited two separate groups of foreign journalists to visit East Timor. Of the resulting reports, the local press avoided publication of all but the mildest articles. Some of the same material in the foreign press entered Indonesia without trouble, and some was subsequently censored.

During 1985 the Department of Information suspended publication of two small-circulation journals, both for printing what the Government perceived to be inflammatory, antigovernment articles. One journal was permitted to reopen. The editor of the other journal was sentenced to 8 years in prison.

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b. Freedom of Peaceful Assembly and Association

Regional and national meetings of virtually all organizations must have government permission, and local jurisdictions often require prior approval for smaller gatherings as well. While such approval is usually granted, there are restrictions on meetings in East Timor. The Government authorizes public assembly for social and ceremonial events and, as long as there is no perceived security risk, for political activities.

In mid-1985, the Parliament passed a "Social Organizations" bill (known as the "ORMAS" bill) which requires virtually all organizations to accept the state ideology of Pancasila. The law, which has yet to be implemented, empowers the Government, with the approval of the Supreme Court, to disband any organization it believes to be acting against the tenets of Pancasila. In addition, government approval will be required before any organization can accept funding from foreign donors. The ORMAS bill is the fifth and final piece of a five-part package of controversial political legislation designed to broaden and strengthen government control over the political process. The other four bills passed in the 1984-85 legislative session similarly served to consolidate and extend government influence on political parties, the composition of Parliament, national referendums, and general elections.

Indonesian workers are organized in a national federation (SPSI) which has been composed of 21 national industrial unions. These unions have recently been reduced in number and will no longer maintain regional and district organizations. No decision has been reached about the final number of unions that will be formed. They have a total membership of some 3 million out of a work force of 65 million, in which some 15 million persons are employed in the industrialized sector. The SPSI is the only trade union federation legally permitted in Indonesia, and all trade unions must belong to it. Political activity by the SPSI is forbidden. It is not permitted to organize civil servants or workers in government-owned enterprises nor in major sectors of the economy declared by the Government to be vital, such as air transportation and oil. However, some professional organizations, such as those for teachers, do act as unions in some respects.

Restrictions on the SPSI's autonomy include the imposition of government appointees in many of its positions, a requirement that its senior officials be active members of the government-sponsored GOLKAR, and extensive government intervention in labor-management relations. The law requires government permission for strikes, which as a matter of practice is never given.

c. Freedom of Religion

The constitutional guarantees of religious freedom apply only to those religions recognized by the State--Islam, Christianity, Buddhism, and Hinduism. Although the Indonesian population is overwhelmingly Muslim, practice and teaching of the other recognized faiths are permitted.

A plethora of mystical and other "folk religions" also exists. In 1985 the North Sumatra High Prosecutor banned 13 mystical sects, with approximately 18,000 adherents in all. While it appears that the Government tolerates private

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practice of banned religions, adherents of these groups are occasionally harassed by local authorities.

A 1972 letter of the Supreme Prosecutor reiterated a Presidential Decree of 1962 banning membership in Jehovah's Witnesses and the Baha'i faith. Although technically belief in one of these religions is not prohibited, legal decisions based on the 1972 and 1962 decrees made clear that such belief implies membership, which is illegal.

Because the first tenet of Pancasila specifies belief in a Supreme Being, atheism is forbidden. Some animists in remote parts of Indonesia have reportedly been pressured to convert to Islam or Christianity in order to fulfill the requirement of belief in a Supreme Being. There are no legal bars to religious conversion, and conversions between faiths do occur. However, proselytizing in heavily Islamic areas is seen as potentially disruptive and is discouraged. For this reason, restrictions on the activities of foreign missionaries, such as difficulty in obtaining or renewing visas or residence permits, have increased in such areas in recent years. In other areas, missionary activities are relatively unimpeded and in fact are welcomed in remoter districts where government resources in fields such as education and health are insufficient.

Official holidays include Christian, Hindu, and Buddhist, as well as Muslim holy days. Indonesian Muslims, Christians, and Buddhists maintain active links with coreligionists outside Indonesia. Travel to religious gatherings is permitted. The Government organizes annual Hajj trips to Mecca for Indonesians wishing to undertake this pilgrimage.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Although movement within Indonesia generally is unimpeded, restrictions do exist. The Government requires permits to change residence in certain areas, primarily to control the further shift of population from rural to urban locations. Since 1958-59, ethnic Chinese have been denied the right to live in rural areas of Java. Travel to certain regions, including much of eastern Indonesia, requires a permit. There are also restrictions on movement to and within East Timor and within parts of Irian Jaya. Former political detainees associated with the abortive 1965 coup attempt are required to notify authorities of travel away from their homes. Members or alleged supporters of the PKI outside Indonesia have not been allowed to return except on a case-by-case basis. The Government has tried to keep track of all of the 2.5 million former members of the PKI and some 20 million members of its front groups. However, government statements indicate that it has lost track of several million of them (including fairly senior members.)

The Government periodically restricts foreign travel of domestic critics and others in disfavor with the Government. An estimated 20,000 Indonesians are currently not permitted to leave the country. They include "Petition of 50" members critical of the Government, those arrested in the student riots of 1974, and others. However, other critics of the Government are free to travel abroad, and a person banned at one time may be permitted to travel subsequently. A Presidential Instruction in 1985 removed a requirement for students to obtain government permission before going abroad

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to study. In July the Director General of Immigration announced that Indonesian students will no longer be permitted to study in 31 countries: those which are "Socialist-Communist;" those with which Indonesia has no diplomatic ties; and those termed "extremist," particularly Libya, Iraq, Syria, and Iran. Although many of the countries concerned protested this decision, it is unclear whether the Government has rescinded it.

In October the Government announced that it will move 1,324 "illegal immigrants" to the Island of Sumba. Most of these reportedly are Chinese who illegally reentered Indonesia after having left it for China in the 1960's. Government officials state that Sumba will be a temporary residence site until the countries of origin of these people agree to take them back. Earlier in the year the press reported signs that the Government planned to settle up to 15,000 "illegal immigrant" families in Sumba.

Under its humane refugee policy, Indonesia has given first asylum to over 95,000 Indochinese refugees since 1975. In cooperation with the U.N. High Commissioner for Refugees (UNHCR), the Government also has provided one of the region's three refugee processing centers, where Indochinese refugees who have landed in Indonesia, as well as those from other first asylum countries, are given training to prepare them for permanent residence in other countries.

In 1985 residents of Irian Jaya continued to cross into territory of Papua New Guinea, but in much smaller numbers than in 1984. There currently are an estimated 10,000 Irianese in refugee camps in Papua New Guinea. Most fled their homes in response to rebel warnings or threats of Government and OPM warfare or other disturbances in their home areas. Continued rebel allegations of Indonesian military reprisals against border crossers have kept most of them from returning to their homeland. Since 1984 the Indonesian and Papua New Guinea governments have worked together closely in an effort to resolve the border crosser problem and to ensure the peaceful return of Irianese to their homes. To date, however, less than a thousand have returned under government-sponsored programs. In late 1985, the Government agreed that any Irianese who wished to return to Irian Jaya were welcome, and those who did not were free to live where and how they wish.

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

The Government has its authority largely concentrated in the hands of a small group of active-duty and retired military officers and civilian technocrats led by President Soeharto. This system ensures the continued role of the military in all fields of governmental activity. The Parliament, political parties, and the general public have little ability to influence government decisions. However, particularly in budgetary matters, including military procurement, civilian technocrats exercise decisive influence, and government ministers are obliged to defend their departments' budgets and programs before parliamentary committees, the proceedings of which receive wide press coverage.

All adult citizens, except active-duty members of the armed forces and convicted criminals serving prison sentences, are eligible to vote in 1987 for the 400 elected members of

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Parliament. In mid-1985 the Government announced that persons convicted of involvement in the 1965 PKI-inspired coup attempt may be permitted to vote for the first time under the New Order Government. To do so, however, they must pass a stringent government review of their current and past activities to ensure there is no lingering PKI taint. Elections for Parliament, held every 5 years, are scheduled for 1987. Currently, the military is represented in Parliament by 75 appointed members, who join the 360 elected members and 25 other appointed ones for a total of 460. In accordance with the 1985 law, in the 1987 election 400 members of Parliament will be elected; there will be 400 appointees, all from the military.

The President is elected by the People's Consultative Assembly (MPR), which consists of Parliament plus an equal number of appointed members and sits in a special session every 5 years following the general parliamentary election.

Parliament considers laws presented to it by government departments and agencies but does not draft laws on its own. The Government seeks to resolve any potential parliamentary concerns before the bills are officially presented to Parliament. Parliament can and does change the text and intent of bills it reviews. Bills of major significance, however, are often passed with little or no alteration. Usually Parliament works on the basis of consensus, not majority voting, to resolve any differing views during committee consideration of a bill.

A 1975 law limits the number of political parties to three. One of these is made up of four former Muslim political parties and another of former nationalist and Christian parties. Members in these two parties occasionally reflect their earlier party affiliations, thereby exacerbating factional splits in their new parties. This is one factor weakening the parties' election prospects and diminishing their ability effectively to represent their constituents' concerns to the Government. The third, GOLKAR, is a longstanding, government-sponsored organization of functional groups which serves a role similar to that of a political party. In the three national elections since 1971, GOLKAR has won with more than 60 percent of the vote each time. Civil servants and their families are expected to vote for GOLKAR. Districts which support non-GOLKAR candidates may find government resources devoted to development projects in the area reduced. The two parties and GOLKAR are prohibited from organizing and operating officially below the district level except during election campaigns. Critics contend this system gives GOLKAR an advantage, since its civil service members have constant access to small towns and villages because of their official duties.

The PKI and a formerly powerful Muslim party (MASYUMI) linked with separatist rebellions in the late 1950's are specifically banned. Members of the former and many leaders of the latter are not allowed to run for office or to be active politically. In 1985 even a family relationship to a person accused of Communist party sympathies or involvement could prevent one from running for office.

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

The Government considers outside investigations of alleged human rights to be interference in its internal affairs. Amnesty International representatives, for example, have been refused official access to Indonesia because of the organization's continued criticism of the Government and the Government's belief that it is biased. There is no local chapter of Amnesty International, although individual citizens may have memberships.

In 1985 the Government concluded an agreement with the International Committee of the Red Cross (ICRC) permitting it to: conduct an annual series of visit to prisoners detained in connection with the events in East Timor; provide medical and food aid to displaced persons on Atauro Island as well as to assess the situation of those persons returned to the main island after having been displaced in Atauro; carry out medical-nutritional surveys to vulnerable villages in East Timor; and continue efforts to reunite divided families in East Timor and abroad (mainly Portugal).

In addition, the ICRC is permitted to visit prisoners convicted of participation in the PKI-backed attempted coup in 1965.

The Government largely declined to comment on the Amnesty International Report on East Timor issued in mid-1985 and refused to respond to any of the allegations made in it. In response to a European Parliament resolution condemning the execution of former PKI activists and a proposal to condemn human rights practices in Indonesia, the Indonesian Government sent a delegation to the Parliament to defend Indonesia's policies.

A number of domestic organizations are concerned with human rights. The Department of Justice has an agency charged with the drafting of legal codes to replace the colonial laws still in effect. This agency also has responsibility for the establishment of legal documentation facilities and for programs to inform citizens of their legal rights. In addition, several state university law departments and private groups associated with mosques and churches are involved in providing legal counseling services. The trial lawyers association, Peradin, provides some free legal services to the disadvantaged.

There are private legal aid organizations which help in cases of human rights violations by defending or representing aggrieved parties in court and by stimulating press attention and discussion. Several of these were prominent in defending persons charged in connection with rioting in Jakarta in 1984. These private legal aid organizations have established offices in many larger Indonesian cities but they are dependent on donations. In 1985 the Government refused to permit a foreign donation to one of these legal aid groups. The Jakarta city government withdrew long-supplied funding to another, reportedly as a cost-cutting measure. The ORMAS bill requiring government approval of any foreign funding is expected to result in an overall reduction of contributions to these organizations.

In its 1985 Report, Amnesty International expresses concern about continuing reports of extrajudicial executions,

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"disappearances," torture, and arbitrary arrests and detention on political grounds by the security forces. It was also especially concerned about alleged human rights violations in the aftermath of and related to the 1984 Tanjung Priok riots, and, in connection with the abortive 1965 coup, the continued detention of about 200 prisoners, a number of whom it believes may not have received fair trials. Freedom House rated Indonesia "partly free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Indonesia is the fifth most populous country in the world and the largest nation in Southeast Asia, with a population in 1985 estimated at 173,103,000. Although the population growth rate has been reduced to 2 percent, population pressure on the overcrowded islands of Java, Madura, and Bali continues to be a government concern. In an effort to reduce some of this pressure, and to develop more isolated parts of the country, the Government has an ambitious "transmigration" program which attempts to resettle farmers from overcrowded areas in less populous and usually more backward and remote areas.

The memory of the economic and social chaos of the last years of the Sukarno regime continues to ensure that orderly social and economic development for all segments of society remains the New Order's primary goal. This goal is reiterated in the fifth principle of Pancasila, social justice, which is interpreted to mean that the basic human needs of all Indonesians should be satisfied without discrimination. While there continue to be great disparities in wealth and opportunity, under the Soeharto Government the benefits of development and improved economic conditions have been widespread. Although the Government has largely abandoned special programs designed to strengthen the "Pribumi" or ethnic Indonesian role in business, an increasing number of young ethnic Indonesians are now choosing business careers over civil service jobs.

World Bank figures show the per capita gross national product (GNP) at \$560 for 1983. Although agriculture is the most important domestic sector of the economy, accounting for more than 30 percent of the GNP and employing about 66 percent of the labor force, petroleum exports of 800,000 to 900,000 barrels per day dominate the external economy. Economic growth continues at a moderate but steady pace but is expected to decline from 1984's 6 percent to about 3 percent for 1985. A continued soft international petroleum market and generally lower prices for commodities hindered more rapid economic growth. The World Bank estimates 26 percent of the urban population and 44 percent of the rural population were below the absolute poverty level in 1980, a sharp drop from 1970 levels of 51 percent and 59 percent respectively.

Agricultural output has increased significantly in recent years, about 3.8 percent per annum. A good harvest in 1985 followed a remarkable increase in food production in 1984. In that year the country achieved self-sufficiency in rice production for the first time since independence, a feat repeated in 1985. Partly as a result of improving output, the percentage of caloric supply available for consumption relative to nutritional requirements was 110 in 1981.

Community health standards remain low, although intensive government efforts are underway to train doctors and other health specialists and to provide medical facilities and

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supplies. Tuberculosis, mosquito-borne diseases, including malaria, and skin disease are endemic. In 1985, life expectancy at birth was 55 years, and the infant mortality rate was 89 per 1,000 live births. In 1981, 23 percent of the population (40 percent in urban areas and 19 percent in rural areas) had access to safe water.

By 1981, virtually all primary school-age children were enrolled in schools, although the Government continues to face difficulty recruiting and keeping teachers for schools in isolated areas. In 1984, the President announced compulsory education through primary grades and encouraged wealthy Indonesians to "adopt" poorer students and help them pay for schooling. The World Bank estimates that as of 1981 total adult literacy stood at 67 percent--77 percent of men and 58 percent of women; 83 percent of urban and 52 percent of rural dwellers.

Employment of children under age 14 is forbidden by the basic labor law of 1948. The law also established an 8-hour day, 48-hour week, 1 rest day per week, and a definite vacation period. An extensive body of labor law and ministerial regulations provides for minimum standards of industrial health and safety. In practice, these statutes are rarely observed.

Indonesian law provides that the Department of Manpower Office in each region shall, at regular intervals, establish a minimum wage for its particular region. A new minimum wage for Jakarta, for example, was established in November 1985 at \$1.18 per day. The range of regional minimum wages is from a high of \$1.18 per day in some areas to a low of .50¢ per day in others. The Department of Manpower and the Central Statistical Office also report for each region a minimum physical needs figure.

Indonesian women generally enjoy a high degree of economic and social freedom, and there is significant cultural latitude for women's participation in public life. Women occupy important mid-level positions in the civil service, educational institutions, labor unions, the military, the professions, and private business. The Cabinet named in 1983 includes two women: The Minister of State for Women's Affairs and the Minister for Social Affairs. Although legislation guarantees women equal treatment, women seldom receive equal pay for equal work. In addition to a government-sponsored women's organization in which membership and participation are mandatory, there are several voluntary, private groups which work to advance women's legal, economic and political rights. Chief among these is KOWANI (Congress of Indonesian Women), an umbrella organization for some 55 women's groups.

Ethnic Chinese are pressured to adopt Indonesian customs and take Indonesian names. While they are also encouraged to become citizens, some Chinese find legal avenues to citizenship blocked or are discouraged by the time-consuming and expensive task of obtaining citizenship documents. Government regulations prohibit the operation of all-Chinese schools and institutions of higher learning, teaching in Chinese languages, the formation of exclusively Chinese cultural groups or trade associations, and the use of Chinese characters on signboards or in publications. However, social and religious groups which are in effect all Chinese are not proscribed and do exist.

U.S. OVERSEAS - LOANS AND GRANTS - OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S. FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: INDONESIA

	1983	1984	1985	
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I. ECON. ASSIST.-TOTAL...	111.4	116.2	114.4	
LOANS.....	85.3	90.8	72.7	
GRANTS.....	26.1	25.4	41.7	
A. AID	71.8	74.7	72.0	
LOANS.....	53.8	54.3	36.7	
GRANTS.....	18.0	19.9	35.3	
(SEC. SUPP. ASSIST.)...	0.0	0.0	0.0	
B. FOOD FOR PEACE.....	39.6	41.5	42.4	
LOANS.....	31.5	36.0	36.0	
GRANTS.....	8.1	5.5	6.4	
TITLE I-TOTAL.....	31.5	36.0	36.0	
REPAY. IN B-LOANS.....	31.5	36.0	36.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	8.1	5.5	6.4	
E. RELIEF, EC. DEV & WFP.	3.6	1.2	0.0	
VOL. RELIEF AGENCY.....	4.5	4.3	6.4	
C. OTHER ECON. ASSIST....	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
PEACE CORPS.....	0.0	0.0	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II. MIL. ASSIST.-TOTAL...	27.4	47.4	34.3	
LOANS.....	25.0	45.0	32.5	
GRANTS.....	2.4	2.4	1.8	
A. MAP GRANTS.....	0.0	0.0	0.0	
B. CREDIT FINANCING....	25.0	45.0	32.5	
C. INTL MIL. ED. TRNG....	2.4	2.4	1.8	
D. TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E. OTHER GRANTS.....	0.0	0.0	0.0	
III. TOTAL ECON. & MIL...	138.8	163.6	148.7	
LOANS.....	110.3	135.8	105.2	
GRANTS.....	28.5	27.8	43.5	
<hr/>				
OTHER US LOANS.....	77.4	162.5	0.0	
EX-IM BANK LOANS.....	77.4	162.5	0.0	
ALL OTHER.....	0.0	0.0	0.0	
<hr/>				
ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	1946-85
<hr/>				
TOTAL.....	1623.7	1572.4	1432.8	12372.2
IBRD.....	1329.9	1033.4	972.7	8006.1
IFC.....	25.0	7.1	1.2	168.2
IDA.....	0.0	0.0	0.0	931.4
IDB.....	0.0	0.0	0.0	0.0
ADB.....	264.0	523.0	414.5	3008.5
AFDB.....	0.0	0.0	0.0	0.0
UNDP.....	4.8	3.9	0.0	113.1
OTHER-UN.....	0.0	0.0	44.4	139.9
EEC.....	0.0	0.0	0.0	0.0

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Japan is a parliamentary democracy in which democratic institutions are firmly established. Its industrial free market economy is the second largest in the world in terms of gross national product (GNP). Japan's culture incorporates many elements from the West while retaining strong Eastern roots. Buddhist and Shinto traditions continue to have a basic and pervasive influence on thought and social institutions, but several minor religions also flourish. Less than one percent of the population is Christian. Although the Japanese are receptive to foreign ideas, the citizens of this densely populated nation have a cultural, ethnic, and racial homogeneity which makes them less willing or able to integrate alien residents in Japan into their society.

While the legal system has gradually evolved toward granting equality of opportunity to minorities, there has been little positive change in the social prejudice against Koreans, approximately 676,000 of whom are first, second, and third generation permanent residents, in addition to the approximately 120,000 naturalized Japanese nationals of Korean ancestry. An estimated 1.2 million descendants of persons historically considered to be outcasts ("Burakumin") also suffer social but not legal proscription.

The Japanese Constitution states, "All of the people are equal under the law and there shall be no discrimination in political, economic, or social relations because of race, creed, sex, social status, or family origin." The human rights guaranteed by the Constitution are secured by a just and efficient legal system. Political liberties are guaranteed to all nationals. Over 70 percent of the electorate usually vote in general elections, which involve candidates from seven freely-functioning political parties. The right of workers to organize, bargain, and act collectively is guaranteed by the Constitution. Slightly under 30 percent of the active work force belongs to labor unions. Most unions are involved in political activity as well as in labor relations.

In May 1985 the Diet passed the Equal Employment Opportunity Law prohibiting discrimination based on sex. This law will take effect in April 1986, but it contains no sanctions for violations.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There are no known cases of murder for political motives on the part of the Government or any other organization.

b. Disappearance

There are no known cases in which people have been abducted, secretly arrested, held in clandestine detention, or held as hostage by security forces or any other organization.

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c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Freedom from torture, cruel, inhuman, or degrading treatment or punishment is guaranteed by the Constitution and respected in practice. There is no evidence that penal treatment varies by social class, sex, or religion.

d. Arbitrary Arrest, Detention, or Exile

Freedom from arbitrary arrest or imprisonment is guaranteed by the Constitution and respected in practice. Japanese law provides for a writ of habeas corpus. Individuals cannot be detained without charge, and prosecuting authorities must be prepared to demonstrate before trial that probable cause exists to detain the accused. The length of time before a suspect is brought to trial depends on the nature of the crime but rarely exceeds two months; the average is one to two months. Preventive detention does not exist.

The key statute protecting workers, the Labour Standards Law of 1947, prohibits the use of forced labor, and there are no known cases of forced or compulsory labor.

e. Denial of Fair Public Trial

The Constitution guarantees the right to a speedy and public trial by an impartial tribunal in all criminal cases, and this right is respected in practice. The defendant is made aware of charges upon arrest and guaranteed a public trial by an independent civilian court with defense counsel and the right to cross-examination. Defendants are guaranteed free and private access to counsel as well as the right not to be compelled to testify against themselves under the Constitution, although access is often restricted immediately after arrest. Defendants also are protected from the application of ex post facto laws and have right of access to evidence deemed to be necessary for trial after a formal indictment has been made and generally before a trial. Judges are appointed by the Cabinet for permanent terms, but face periodic review through popular referendum. A defendant dissatisfied with the decision of a trial court of first instance may, within the period prescribed by law, appeal to a higher court as the reviewing court.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Under the Constitution, each search or seizure must be made upon separate warrant issued by a judicial officer. Japanese authorities have been scrupulous in observing the legal requirements for warrants. The standards for issuing such warrants exist to guard against arbitrary searches. There are no reports that the Government or any other organization has arbitrarily interfered with privacy, family, home, or correspondence.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Japanese Constitution, an independent press and judiciary, and a functioning democratic political system combine to ensure freedom of speech and press.

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b. Freedom of Peaceful Assembly and Association

These freedoms are guaranteed by the Constitution and respected in practice.

Japanese law grants unions the right to organize, strike, bargain collectively, lobby, and to make political campaign contributions, and the unions actively do so. Unions are involved also in international bodies and bilateral exchanges. Public employees do not have the right to strike but do have recourse to mediation and arbitration in order to resolve disputes. Members of the armed forces, police officers, and fire fighters are not permitted to organize. In exchange for a ban on their right to strike, government employees' pay raises are determined by the Government based on a recommendation by the independent National Personnel Authority (NPA). Citing tight finances, however, the Government in 1985, as in the previous three years, has not fully implemented the NPA recommendations for wage increases.

In response to the Government's failure to implement fully the NPA's recommendations, the General Council of Trade Unions of Japan (SOHYO) has in the past filed complaints with the International Labor Organization (ILO). The ILO Committee on Freedom of Association has urged Japan to respect the NPA recommendations and has also asked that Japan establish new procedures for deciding wages and working conditions for government employees.

c. Freedom of Religion

Freedom of religion is guaranteed by the Constitution and respected in practice. While Buddhism and Shintoism remain the two major religions, there are many others, including several Christian denominations. Missionaries are welcome and receive special visa status. Some temples and shrines, as treasured national properties, receive public support for maintenance.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Japanese citizens have the right to travel freely, both within Japan and abroad, to change their place of residence, to emigrate, and to repatriate voluntarily. Nationality is never revoked.

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

As a parliamentary democracy, Japan is ruled by the political party or parties able to form a majority in the lower house of its Bicameral Diet. The Liberal Democratic Party has ruled Japan since 1955 and currently governs in a coalition with an offshoot party, the New Liberal Club. Five opposition parties are active. All adult citizens have the right to vote. Voting is by secret ballot. Political interest groups, regardless of their political hue, can organize and engage in nonviolent political activity. Well-organized labor unions ensure participation by workers in the political process.

According to law, aliens with five years continuous residence are eligible for naturalization and the simultaneous acquisition of citizenship rights, including the right to

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vote. In fact, however, relatively few eligible aliens have been naturalized. Naturalization is a difficult and complicated process requiring "proof of assimilation into the Japanese culture." Many Korean residents are unwilling to seek naturalization on the grounds that their cultural identity would be erased by the requirements. Korean human rights activists have urged Japan to restore, unconditionally, the citizenship which Korean residents of Japan had previously but which was revoked after World War II.

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

Various groups have petitioned the office of the United Nations Human Rights Commissioner (UNHRC) to take up allegations of discrimination against Koreans in Japan and of maltreatment of mental patients in Japan. The Government responded to the complaints and the UNHRC decided not to take up these matters for further discussion or investigation. The International Commission of Jurists (ICJ) and International Commission of Health Professionals (ICHP) released a joint report in July 1985, which described Japan's mental health system as "seriously inadequate." Through its membership in the UNHRC, the Japanese Government is active in working for improvement of human rights practices in other countries. There is a Human Rights and Refugee Division in the Ministry of Foreign Affairs to give long-range attention to these matters. Amnesty International's 1985 Report expressed concern over the practice of capital punishment and the reported treatment of some prisoners during official police interrogation. Freedom House rates Japan as "free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Japan's population in 1985 was 120,731,000, with an annual growth rate of approximately 1 percent. In total land area, Japan is slightly smaller than California. While Japan is one of the three major industrial complexes of the world, and the industrial sector is the most important part of the economy, agriculture is practiced so intensively that Japan has an agricultural self-sufficiency rate of around 70 percent. Per capita GNP in current U.S. dollars was \$10,120 in 1983.

Good quality food, shelter, health care, and education are widely available to inhabitants of Japan regardless of race, religion, ethnic background, or political opinion. Life expectancy at birth in 1983 was 77 years. The infant mortality rate was 6 per 1,000 live births in 1985. With a highly competitive education system that provides nine years of free compulsory schooling, Japan has virtually total primary school enrollment and virtually total adult literacy.

The Labour Standards Law of 1947 provides for an 8-hour day, a 48-hour week, and an overtime rate of time and a quarter. Workers under the age of 18 years may not be employed in dangerous or harmful work and minors under 15 years of age may not be employed as workers. A system fixing minimum wages on industry and regional bases was introduced by the Minimum Wages Law of 1959. The Ministry of Labor administers various laws and regulations governing occupational health and safety, principal among which is the Industrial Safety and Health Law of 1972.

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Women comprise approximately 36 percent of the employed population. Social pressures discouraging involvement of women in positions of managerial and professional responsibility remain strong. Discrimination by private employers against women continues despite its prohibition by the Constitution and by legislative measures adopted over the past 30 years to accord women the same legal status as men. In a recent government survey, around 60 percent of responding corporations indicated they have job categories that exclude females, and more than 65 percent hire only men as executive recruits. Another recent survey indicated nearly 86 percent of women workers said they had no interest in management positions and preferred marriage and motherhood to careers.

In May 1985, the Diet passed the Equal Employment Opportunity Law which will take effect in April, 1986. This law prohibits discrimination based on sex in such areas as recruitment and hiring, pay inequality, and the number of night or overtime hours that can be worked. The law has been criticized, however, as containing no concrete measures, such as penalties for violators, to ensure equality for women workers.

In recent years the Government has enacted several laws and regulations extending to permanent resident aliens, 82 percent of whom are Koreans, the benefits of equal access to public housing and loans, social security pensions for those who otherwise qualify, and certain public employment rights. Rectifying another issue of concern to resident Koreans, the Foreign Ministry now pronounces Korean names according to the Korean, rather than the Japanese, reading of name characters. The Government has also extended, until 1987, a Special Measures Law (first issued in 1969) designed to help assimilate Burakumin (descendants of Feudal Era "outcasts" who practiced so-called "unclean" professions such as hide tanning) into mainstream society through a number of social, economic, and legal programs. Nevertheless, entrenched social prejudice against both Koreans and Burakumin restricts the access of both groups to private housing, employment, and marriage opportunities. There is a growing conflict between alien residents, primarily Koreans (although some Americans are also involved), and the Government over the requirement that foreign residents be fingerprinted every five years. Korean rights activists have recently been arrested and fined for refusing to be fingerprinted. They argue that it harms the individual dignity of foreign residents (Japanese citizens are not routinely fingerprinted) and is in violation of the International Human Rights Covenant as well as the Equal Protection Article of the Japanese Constitution. The Government asserts that it is a reasonable way to confirm the identity of foreign residents and justified on the basis of public welfare.

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA*

The Democratic People's Republic of Korea, formed in 1948 during the Soviet administration of the northern half of the Korean peninsula, is a rigid Communist dictatorship, strictly dominated by one man, Kim Il Sung, and his family. Although some internationally respected human rights are acknowledged by the 1972 Constitution and laws, individual rights are entirely subordinated in practice to the ruling Korean Workers' (Communist) Party (KWP), with its overriding aim of imposing a social revolution and enforcing unanimous popular support for the country's governing system and its leaders. While there were pro forma elections to the Supreme People's Assembly in February 1982, free elections do not exist in North Korea because citizens have no choice among candidates.

The North Korean people are subject to rigid controls. The State establishes security ratings for each person, and these ratings determine access to jobs, schools, medical facilities, and stores, as well as admission to the Korean Workers' Party, the route to the highest levels and privileges of the society. Persons who fail to cooperate face imprisonment, confiscation of property, or enforced removal to remote villages. Surveillance by informers is prevalent. Punishment for "political crimes" against the State is severe. Virtually no outside information other than that approved and disseminated by the North Korean authorities is allowed to reach the public. However, senior government officials seem to be somewhat better informed.

President Kim Il Sung's 12-year effort to groom his son, Kim Chong Il, as successor is testimony to the enormous power the elder Kim has amassed during 37 years of rule. The younger Kim was elevated to several senior party positions in 1980. The absence of any evidence of public debate about the succession is also indicative of the lack of real popular participation in the political process.

North Korea has not been successful through its command economy in producing the desired economic development. It remains a less-developed country with a low standard of living and a severe balance of payments problem.

Kim Il Sung's commitment to reunification on his own terms has led to periodic attempts to destabilize the Republic of Korea. More recently, North Korea has engaged in talks with South Korea. These have addressed possibilities for cooperation in the economic, parliamentary, sports, and humanitarian fields. This last area of discussion has focused on the plight of families separated during the postwar division of the peninsula

*The United States does not have diplomatic relations with the Democratic People's Republic of Korea; even representatives of governments that do, as well as journalists and other occasional invited visitors to North Korea, are not permitted the freedom of movement that would enable them effectively to assess human rights conditions there. Nor does North Korea publish socioeconomic statistics. Most of this report, therefore, is a repeat of previous human rights reports based on information obtained over a period of time extending from well before 1985. While limited in scope and detail, the information is indicative of the human rights situation in North Korea today.

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

and the Korean War (1950-53). During September 20-23, 1985, both sides arranged historically unprecedented exchange visits by separated family members.

However, there is little evidence to suggest that North Korea has improved its dismal performance in the human rights area. Both short- and long-term trends indicate continued one-family rule with scant respect for basic human rights.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

No reliable information is available on politically motivated killing in North Korea. However, the North Korean attitude toward political killing was clearly demonstrated in the October 9, 1983, Rangoon bombing and the November 23, 1984, shooting in the Joint Security Area of the Demilitarized Zone (DMZ) dividing North and South Korea.

After a careful investigation, the Government of Burma determined that the Democratic People's Republic of Korea was responsible for the attempt to assassinate Republic of Korea President Chun Doo Hwan during his 1983 visit to Burma. Two North Korean army officers brought to trial in Rangoon were convicted and sentenced to death for the attack, in which four cabinet ministers and a number of officials were killed. In the DMZ incident, North Korean security guards opened fire on a Soviet student trying to defect from a tour group, triggering an exchange of fire in which several lives were lost.

b. Disappearance

There is no information available on disappearance.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

According to the Freedom House 1984-85 report, "torture is reportedly common" in North Korea. The accounts of torture and beatings of crew members of the USS Pueblo after their capture in 1968 are well-known and documented. The only other reliable source on prison conditions and treatment of prisoners in North Korea is Venezuelan poet Ali Lameda, who was detained in North Korea from September 1967 through 1974, allegedly for attempted sabotage and espionage. While physical torture was not used on Mr. Lameda, he stated that Korean prisoners were routinely beaten. Lameda noted that "beating was also used as a means of persuasion during interrogation."

Lameda reported the use of deprivation of food to force "confessions," as well as solitary confinement, continuous interrogation, enforced waking periods, poor or nonexistent medical treatment, and 12 hours of forced labor per day. In addition, prisoners were denied family visits, parcels, correspondence, writing materials, newspapers, and clothing changes. Prisoners appeared to be regarded as persons without any rights.

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

d. Arbitrary Arrest, Detention, or Exile

Information on specific criminal justice procedures and practices in North Korea is extremely scarce. North Korea has refused to permit outside observation of its legal system and practices. The accounts provided by the crew members of the USS Pueblo and by Lameda, while clearly from an earlier period, comprise virtually all the specific information available on the operation of the criminal justice system in North Korea.

North Korean law states that no prisoner may be held for interrogation over 2 months. This period may be extended indefinitely, however, if the Interrogation Department obtains approval of the Chief Prosecutor. Lameda states that he was detained for 12 months without trial or charge. His request for a lawyer of his choice and an open trial were ridiculed as "bourgeois." Habeas corpus or its equivalent does not exist in law or practice.

According to newspaper reports, North Korean defectors in South Korea estimated in April 1982 that at least 105,000 "ideological offenders" were being held in eight major labor camps in the North. Amnesty International has received unconfirmed reports of arrests of those opposed to heir apparent Kim Chong Il.

There is no prohibition on the use of forced or compulsory labor. Information as to whether it is practiced is not available.

e. Denial of Fair Public Trial

The North Korean Constitution states that courts are independent and that judicial proceedings are to be carried out in strict accordance with law. All courts, however, are responsible to the people's assemblies, which effectively means government control of the judiciary. Article 138 states that "cases are heard in public, and the accused is guaranteed the right to defense; hearings may be closed to the public as stipulated by law." Lameda claims that he was twice denied public trial. He reports that after his first arrest he was imprisoned for a year without a hearing; after his second arrest, he was put through a closed session without benefit of counsel of his choice or even knowledge of the charges. His tribunal was under the direction of the Ministry of Internal Security, with one person serving as both judge and prosecutor.

Lameda stated that, other than to admit guilt, he was refused the right to speak out or defend himself at his trial. His "defense counsel" represented him by making a lengthy speech praising Kim Il Sung and then requesting a 20-year sentence, which the tribunal imposed after 5 minutes of deliberation.

In a 1979 interview with American journalist John Wallach, North Korean Supreme Court Justice Li Chun Uk noted that the defense counsel's job is "to give the suspect due punishment." Open court appears to consist of an announcement of the term of imprisonment, which has already been determined by the Provincial Safety Bureau.

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The populace is subjected to regular indoctrination, designed to shape individual consciousness. Preschool children are drilled in homage to Kim Il Sung and his family, while youths and adults are required to participate in daily ideological training conducted by youth organizations or at places of employment. The propaganda requires rote recitation of party maxims and positions and strives for ideological purity. Multiple North Korean security organizations enforce these controls.

Reports, primarily from defectors, indicate that forced resettlement is common, particularly for those deemed politically unreliable. Permission to reside in, or even enter, Pyongyang, the capital, is strictly controlled.

According to reports in South Korean journals, Japanese wives of Koreans repatriated from Japan since 1959 have not been permitted to visit Japan and many have lost contact with their families because their letters are subject to strict censorship.

The Constitution states that "citizens are guaranteed the inviolability of person and residence and the privacy of correspondence." Lameda reported, however, that the privacy of his residence was not respected and that listening devices were used against him. He was arrested and his collected papers and poetry seized and destroyed without warrant.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Constitution states that "citizens have the freedoms of speech, the press, assembly, association, and demonstration." In fact, North Koreans enjoy none of these rights. Such activities are permitted only in support of government objectives. Other articles of the Constitution that require citizens to follow the "socialist norms of life" and to obey a "collective spirit" take precedence over individual political or civil liberties. Foreign media are excluded, domestic media censorship is enforced, and no deviation from the official government line is tolerated. Listening to foreign media broadcasts is prohibited, and violators reportedly are subject to severe punishment. Most urban households have a radio and some have television, but reception is limited to domestic programming. Artistic and academic works are controlled by the Government, and visitors report that a primary function of plays, movies, operas, and books is to contribute to the cult of personality surrounding "the great leader," Kim Il Sung, and his son, "the beloved leader," Kim Chong Il.

b. Freedom of Peaceful Assembly and Association

The Government has developed a pervasive system of informers throughout the society. No public meetings can be held without government authorization. There appear to be no organizations other than those created by the Government.

Trade unions and professional associations appear to exist solely as another method of government control over their members. There are no effective rights to organize, bargain collectively, or strike.

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

c. Freedom of Religion

Although the Constitution guarantees that "citizens have religious liberty and the freedom of antireligious propaganda," North Korea, in fact, has severely persecuted Christians and Buddhists since the late 1940's. No churches have been rebuilt since the Korean War. The regime uses religious organizational facades to proclaim the practice of religious freedom but appears to have long since purged the membership out of existence. Persons whose family or relatives once had a strong religious involvement are discriminated against. Though religious practice appears impossible, some foreign visitors to North Korea believe that the Government does not currently persecute the very small number of Christians who continue to worship at home.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Internal travel in North Korea is strictly controlled. A travel pass is required for any movement outside one's home village and is granted only for required official or personal travel. This requirement is strictly enforced. Foreign travel is limited to officials or trusted artists and performers. Emigration is not allowed, and few refugees or defectors succeed in fleeing the country. Retaliation reportedly is taken against the relatives of those few persons who manage to escape. According to Freedom House, "rights to travel internally and externally are perhaps the most restricted in the world: tourism is unknown--even to Communist countries."

In 1959 North Korea began actively encouraging Korean residents overseas to repatriate to "the Fatherland." Some observers estimate that during the next several years over 100,000 overseas Koreans, almost all from Japan, voluntarily repatriated to North Korea. Since then, however, reports of the harsh treatment given repatriates have reached overseas Koreans, reducing the flow to North Korea to a trickle. (Because of their "corruption" by exposure to foreign influences, repatriates are isolated from North Korean society after their arrival until they can be indoctrinated and their ideological reliability gauged.)

North Korea has permitted entry to some overseas Korean residents to visit their relatives, and several have made repeat visits.

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

The political system in North Korea is dominated by Kim Il Sung, who leads the Korean Workers' Party, and also heads the Government. Kim has groomed his son Kim Chong Il to succeed him, and there are reports that Kim Chong Il has been acquiring increasing power and influence. The legislature, the Supreme People's Assembly, has never taken any action other than unanimous passage of resolutions presented to it by the leadership. In an effort to create an appearance of democracy, North Korea has created several "minority parties." They exist only as rosters of officials who have token representation in the People's Assembly and completely support the government line.

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Free elections do not exist in North Korea. Although elections to the Supreme People's Assembly were held in February 1982, and to city and county assemblies in March 1983, in all cases only one candidate was approved by the government party in each electoral district, and, according to the government-controlled media, 100 percent of the voters turned out to elect 100 percent of the approved candidates. Such "elections" in reality are a mandatory exercise in which voters are required to participate and to approve the party's candidates.

Most citizens are completely excluded from any real participation in the political process. To achieve even a semblance of real participation, one must become a member of the Korean Worker's Party. The selection process for entrance to the party is long and rigorous. Individuals from "bad social backgrounds," i.e., those who have relatives who fled south during the Korean War, those whose families had strong religious involvement or were once property owners or members of the middle class, and those who have relatives who are political prisoners, effectively are denied entry into the party and are discriminated against. Most levels of the party have no voice, serving only to carry out the decrees and "on the spot guidance" promulgated by party leader Kim Il Sung and his top subordinates.

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

No organizations exist within North Korea to report on or observe human rights violations. North Korea does not participate in any international or regional human rights organizations.

Amnesty International has requested a visit to North Korea; the Government has not responded to or acknowledged this request. A December 1982 request by Amnesty International for information on North Korean laws, on use of the death penalty, and on reports of arrests and long-term imprisonment of political figures also received no reply.

The Amnesty International 1985 Report noted that its work continued to be seriously impaired by the virtual absence of any official information during the year concerning any arrests, trials, or death sentences, that it continued to investigate reports that four prominent political figures had been detained for several years, and that it did not receive any replies to correspondence directed to the Government. Freedom House rates North Korea as "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The population of North Korea is estimated to be about 19.6 million, with an annual growth rate of 2.3 percent. It is a less-developed country that has a low standard of living by most measures. It has a highly centralized, planned economy, with a gross national product (GNP) of \$23 billion (1984), or \$1,175 per capita (1984 dollars).

Many observers believe that, after a short period of rapid growth in the early 1970's, the economy experienced difficulties due largely to policies that overemphasized military expenditures, stressed attainment of self-sufficiency, and pushed for rapid growth of heavy industry. During that period,

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

North Korea imported large quantities of industrial equipment from the West for which it was unable to pay. It remains in default to Western creditors on an estimated \$1.5 billion. More than 20 percent of North Korea's GNP is committed to military expenditures, the second highest such rate in the world.

There have been recent signs of a shift in policy emphasis toward expanding trade. In September 1984 North Korea promulgated a joint venture law to attract foreign capital and technology. The apparent shift in economic policy was also suggested by North Korean willingness to discuss economic trade and cooperation with South Korea. North Korea's default on its foreign debt is in large measure responsible for scant foreign interest in joint ventures. The only such ventures North Korea has publicized involve a project with a French company to build a hotel in Pyongyang and one with overseas Koreans in Japan to build a department store that has recently opened in Pyongyang. The new emphasis on expanding trade has not produced any shift in internal economic priorities away from support of military industry. North Korea receives assistance from the Soviet Union and China, but actual levels are difficult to estimate.

The 1985 infant mortality rate was 30 per 1,000 live births. Life expectancy at birth was 65.6 years in 1985. North Korea appears to have invested considerable effort and money in developing a health care system. It includes care for nonworking-age citizens. Basic food supplies are heavily subsidized and rationed. The proportion of rice in the grain ration has been steadily reduced, with grains considered less desirable, such as millet or barley, being substituted. Reportedly because quality foods are difficult to obtain, jobs in food-handling industries are highly prized. Foreign visitors have noted that North Koreans appear adequately fed. The World Bank estimated in 1981 that the calorie supply available for consumption was 129 percent of nutritional requirements.

The party, government, and military elite enjoy significant economic privileges, such as access to special stores and medical facilities, better housing, and better education, which are not available to ordinary citizens.

The North Korean Government provides 11 years of compulsory free education to its citizens and claims to have eliminated illiteracy. The primary school enrollment ratios for 1976 were 96.3 percent for females and 101 percent for males, for a combined ratio of 98.5 percent.

There is no data available on minimum age for employment of children, minimum wages, maximum hours of work, or occupational safety and health.

The Constitution states that "women hold equal social status and rights with men." Few women have reached high levels of the party or the Government. Women are represented proportionally in the labor force, and personnel in small factories are predominantly women.

REPUBLIC OF KOREA

President Chun Doo Hwan dominates the political scene in the Republic of Korea. The elected legislature has limited power but considerable influence on public opinion. President Chun, a former army general, assumed power with military support in 1980, at which time martial law was declared and civil disturbances in Kwangju were harshly confronted. The Constitution was adopted by referendum in October 1980 under strict martial law conditions, leading many Koreans to question the referendum's fairness. At the time of the next presidential election, in late 1987 or early 1988, President Chun has promised to step down to provide for a peaceful and constitutional change of power.

Korea's traditional sociopolitical ideology, Confucianism, emphasizes order and conformity, as well as a subordinate role for women. This thinking retains great strength, coexisting uneasily with Western democratic ideals.

Citing this tradition and faced with a heavily armed Communist North Korea that once invaded the South and that remains extremely hostile to it, successive South Korean governments have given top priority to maintaining external and internal security, implemented in part by the large and well-organized security forces. Many Koreans have charged throughout the years that the very real threat from the North was also used as a pretext to suppress internal opposition politics, despite the democratic ideals professed by all South Korean leaders.

Koreans enjoy considerable personal freedom, including economic and religious freedom and broad rights to pursue private interests. Although the Constitution guarantees freedom of speech and press, in practice both are abridged.

During the past 20 years, Korea's export-oriented, mixed economy has achieved one of the world's highest growth rates and a twentyfold increase in per capita gross national product (GNP). The population is urbanized and well educated. Abject poverty has been largely eliminated. The rapid growth of the economy has created a growing middle class with increasing access to education and wealth. They have joined with other groups to become a strong voice for fuller political participation and greater freedom to express political views.

Human rights issues as well as "democratization" issues were the focus of greater public discussion and debate than in recent years. There was some progress in the human rights field in the early months of 1985, continuing the trend of 1984. The National Assembly election held on February 12 was widely regarded as among the most democratic in the Republic's history, with candidates freely criticizing the Government at large rallies. Press coverage was frank and lively. The election resulted in a new party, supported by leading opposition politicians, becoming the largest opposition party in the Assembly since the Republic's founding.

In March a statutory political ban originally applied to 567 politicians was lifted on the remaining 14 persons affected, including prominent dissident leaders Kim Young Sam and Kim Dae Jung. (The political activities of Kim Dae Jung and some other politicians remained restricted, however, by other legal provisions.) At the same time, Kim Dae Jung was freed from the house arrest imposed on him on his return to Korea one month earlier. Nine political prisoners were released in an amnesty on May 27. Under the Government's "campus autonomy" policy,

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the formation of independent student councils was permitted and police stayed off campus as students began the most active semester of student protest since 1980.

The Government soon responded heavily to the newly assertive opposition and the increased student activism, initiating a new wave of repression of dissent. Political tension remained high throughout the remainder of the year. On several occasions journalists were detained for writing politically sensitive articles. There were credible reports of torture or physical intimidation of several journalists and dissidents. After the May 23-26 student sit-in at the U.S. Information Service library in Seoul, the Government returned to its pre-1984 practice of arresting and trying student protest leaders, and police entered campuses readily to stop demonstrations. During the fall semester, student protests became increasingly violent. The Government reacted by arresting some or all of those involved in the more violent protests, raising the number of students in prison at the end of the year to over 400, the largest number since 1980. The Government announced that it was considering a plan to send activist students to 6-month-long ideological reeducation centers, but it backed off because of widespread opposition.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There were no reports of politically motivated killings in 1985.

b. Disappearance

There were no reports of disappearances in 1985.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Reports of torture or cruel treatment in 1985 increased significantly over 1984. The Constitution prohibits torture, and the Government insists that it has issued injunctions against it and that these are strictly enforced and violations sternly punished. Nonetheless, there were credible reports of torture, such as that of an antigovernment youth activist who was subjected to torture while under police detention in September, and reliable reports of three senior Korean journalists who were detained and beaten by security officials for breaking a government embargo on a news story. Korean human rights groups and political opposition leaders also made plausible charges that a number of students and other prisoners in politically related cases were subjected to various degrees of physical maltreatment including beatings, sleep and food deprivation, electric shock, and forced water intake during police interrogations in the latter half of 1985. The Government publicly denied that any of these prisoners had been mistreated.

On February 26, 1985, the Supreme Court upheld a lower court's acquittal of a woman whose conviction for murder had been based on a confession which she later said had been made as a result of police torture. She was awarded the equivalent of about \$29,500 in compensation from the State. Court sources say some

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cases were prosecuted in 1985 under a law adopted by the National Assembly in 1983 increasing sentences for those convicted of killing or injuring through torture.

The use of excessive force by the police has proven to be a pervasive and ingrained problem, despite some high-level efforts to reduce or eliminate it. Rioters have been beaten on apprehension, often by plainclothes police. Charges of police beatings in nonpolitical cases occur fairly frequently and are sometimes reported in the press. There were reports in 1985 that police were using a stronger form of tear gas to break up student and other unauthorized demonstrations which caused skin blisters on those who came into direct contact with it.

Conditions in Korean correctional institutions are austere, especially in winter as cells are not heated. Discipline is strict. Under normal circumstances, convicts are not subjected to physical punishment, but prisoners who break rules or protest conditions are sometimes beaten. There were reports that 19 political prisoners transferred to Taegu Prison in July were beaten severely when they protested overcrowded conditions.

Prisoners may receive visits only from their lawyers and immediate families. Their mail is monitored and sometimes censored. There does not seem to be a difference between the treatment of political and non-political prisoners.

d. Arbitrary Arrest, Detention, or Exile

Arrest warrants are required by law but are sometimes not produced at the time of arrest in politically related cases. In 1985 the Supreme Court ruled that police may not detain persons for more than 48 hours without arrest warrants. An indictment must be issued within 30 days after arrest. Within 40 days after making an arrest, the police must notify an arrested person's family of his detention and whereabouts. The police normally wait at least several days, and occasionally more than 40 days, before making notification. The Constitution guarantees the right of prompt legal assistance and the right to request court review in case of arrest.

Habeas corpus, not traditional in Korean law, was introduced after World War II, abolished in the 1970's, and reintroduced in 1980. It does not apply to those charged with violations of the National Security Act or laws punishable by at least 5 years' imprisonment, which includes most politically related offenses. There is a system of bail, but it does not apply to offenses punishable by 10 or more years' imprisonment. In 1985 the Government adopted a new policy to compensate persons held for questioning but who are subsequently found to be innocent by prosecutors.

Dissidents who openly criticize the Government are sometimes picked up and detained for short periods and then released. There were several instances in 1985 of journalists who had written politically sensitive articles being detained for short periods, usually overnight, by security forces.

From time to time, the security services have not only detained persons accused of violating laws on political dissent but have also increased surveillance of, or put under various forms of house arrest, those they think intend to violate the laws. In the longest continuous application of such restrictions in 1985, opposition politician Kim Dae Jung was not permitted to

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leave his home for about 1 month after his return to Korea from the United States in February 1985. Kim and others were also confined to their homes on several other occasions for briefer periods. In the latter half of 1985 the Government arrested and charged with National Security Law violations about 80 students and other Koreans associated with student and youth organizations the Government characterized as pro-Communist and/or pro-North Korean; about 60 of these had been convicted or remained under detention awaiting trial at the end of 1985. Government critics claim that, in many of these cases, the National Security Law was misused to suppress domestic, particularly student, dissent.

For persons deemed "socially dangerous," the law allows preventive detention under provisions of the Social Protection and Social Stability Laws. Neither provision affords the accused the benefit of legal counsel or appeal. Under the Social Protection Law, a judicial panel may order preventive detention for a fixed term of 2 years, which can be extended by the panel for additional 2-year periods. The Social Stability Law allows for a preventive detention term of 7 to 10 years. In the city of Chongju there exists a "preventive custody center" where prisoners judged to be insufficiently repentant are held following the completion of their original prison sentences. Soh Joon Shik, whose original 7-year sentence ran out in 1978, is one of two political prisoners believed to be held in this facility. The Government has not released figures on the total number of persons under preventive detention.

There were no reports in 1985 of forced labor as defined by the International Labor Organization (ILO).

e. Denial of Fair Public Trial

The Constitution guarantees many rights to defendants: The right to presumption of innocence, the right against self-incrimination, freedom from ex-post facto laws and double jeopardy, the right to a speedy trial, and the right to legal counsel. These rights are generally observed. Trials, with some exceptions, must be held within 6 months of arrest. In Seoul, trials usually begin within a month after indictment.

The President appoints the members of the Supreme Court, whose Chief Justice in turn appoints lower-level judges. The Chief Justice serves a 5-year term. The judiciary is considered independent in ordinary criminal and civil cases but much less so in politically sensitive cases. In 1985 the Chief Justice was criticized in opposition and legal circles for transferring several judges to less desirable positions, allegedly because they had ruled in favor of defendants in cases involving student protesters or had complained about the treatment of their colleagues who were accused of being too lenient toward student defendants. The Korean Bar Association called for the Chief Justice's resignation; an impeachment sponsored by the opposition was voted down in the National Assembly.

In several politically sensitive trials in 1985, as in the trial of students who seized the U.S. Information Service (USIS) Library in May, public attendance was limited, and the defendants sometimes were removed from the courtroom for attempting to disrupt the proceedings by shouting slogans and singing. Judges generally allowed great scope for examination of witnesses by both prosecution and defense, but they often denied defense requests to call witnesses to discuss the

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political or ideological leanings of the defendants, even when the prosecution had introduced evidence on such topics.

Trials are usually open to the public, but trial documents are not part of the public record. Charges against defendants in the courts are clearly stated, with the exception that, in lengthy and complex indictments, the relationship between specific acts alleged and violations of specific sections of the penal code may not always be clearly drawn. In cases involving a mixture of political and criminal charges this can bring into question the fairness of the proceedings. The same courts try political and ordinary criminal cases. The military courts do not try civilians. Defendants have the right of appeal in felony cases, a right which is often exercised and frequently results in substantial reductions in sentences. Death sentences are automatically appealed. The list of political prisoners maintained by the Human Rights Committee (HRC) of the National Council of Churches hovered around 100 names throughout the first 5 months of 1985. The list grew to around 700 names by November as the Government continued its crackdown on activist students begun in the aftermath of the USIS Library seizure, but the number had dropped to around 600 by the end of December. The HRC includes on its list persons indicted but not yet tried for politically-related offenses as well as those already convicted; this list contains the names of some persons who have advocated or used violence. The Minister of Justice reported to the National Assembly in October 1985 that there are no prisoners of conscience in the Republic of Korea.

Of the 600 names on the HRC list, more than 400 are university students. About 30 people on the HRC's list were charged with illegal labor actions; several were farmers charged with illegal assembly and demonstration. The list also includes 40 or so persons, many of whom were Korean residents in Japan, accused of espionage for North Korea.

Not included in the HRC political prisoner list are students and others briefly detained but not indicted in connection with student and labor demonstrations during 1985. According to government statistics, between May and October police referred over 1,000 students to summary court where they were charged with minor offenses, and sentenced to a maximum of 29 days' detention. Some students receiving summary judgments chose to exercise their right to formal trials.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Many political and religious dissidents are subjected to surveillance by the security forces. During politically sensitive periods, this surveillance by one or more security agencies may increase or a form of house arrest may be imposed. There have also been charges of telephone tapping and opening or interception of correspondence. Koreans who meet with foreigners, particularly with journalists and foreign diplomats, are sometimes questioned afterwards. In the aftermath of the seizure by students of the USIS library in May, police tried to stop relatives of the students involved and others from meeting U.S. Embassy officials.

While the Constitution requires a warrant issued by a judge upon request of prosecutor for search and seizure in a residence, the police at times force their way into private

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homes without warrants. During politically sensitive periods, the police and security force presence in city centers and near university campuses is very heavy. Citizens, particularly students, are frequently stopped, questioned, and searched.

Traditional Korean police practice requires police commanders to know a good deal about the personal and business affairs of all residents in their jurisdictions. This system is effective in crime control, and urban residents generally credit it with keeping their streets safe. By contrast, the presence of police informer networks on college campuses with the primary purpose of keeping track of political activities has been a key complaint among students, including those who are not politically active.

In most other respects the Government honors the right of personal privacy and the integrity of the home and family. Parental rights to educate children are broad, and restrictions on study in foreign-administered schools (whether in Korea or overseas), originally imposed to force wealthy Koreans to involve themselves in the nation's social and educational development, have been relaxed in recent years. The State rarely seeks to intervene in such inherently personal decisions as marriage, choice of vocation, and formation of social and familial ties. However, persons thought to have politically suspect backgrounds are denied some forms of employment and advancement, particularly in government, press, and education. In 1985, Korean newspapers reported that a number of teachers and college graduates had been denied jobs in public schools solely because of their past involvement in student protest activities.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Although freedom of speech and press are guaranteed by the Constitution, in practice the expression of opposition viewpoints is limited, sometimes severely. Government critics say that laws such as the Basic Press Law, under which media organizations are licensed and permitted to operate, and criminal code provisions against the spreading of "rumors which eventually disturb peace and order" and "defiling the state" are used to muzzle and punish dissident views. Opposition political parties have called for the repeal or reform of the Basic Press Law.

During the February 1985 National Assembly election campaign, opposition candidates made speeches before large crowds in which they were highly critical of the Government. Most Korean and foreign observers alike agreed the campaign was characterized by the most outspoken political debate permitted in the Republic of Korea in many years. Print media coverage was extensive, although television reporting reflected much more government influence. When the new National Assembly was inaugurated, it continued to be characterized by a breaking of old taboos on speaking out on sensitive political topics, including thinly-veiled challenges to the Government's legitimacy stemming from the serious civil disturbance in Kwangju in 1980, policy toward South-North Korean dialogue, and constitutional revision, all of which received print media coverage. The government party, concerned about increasingly sharp opposition criticism, sought with limited success to precensor opposition politicians' remarks. After several

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opposition politicians complained of government intimidation when they or their aides were summoned for questioning about critical remarks made on the Assembly floor, the Government promised it would respect Assemblymen's rights to free speech. Details of the most critical speeches were generally not reported in the press, and government party speeches received heavier coverage. Nonetheless, newspapers did report in greater detail than in many years about opposition views on previously taboo political subjects.

The domestic media engage in self-censorship, according to verbal or written guidelines the Government regularly gives to editors. Journalists who object to or ignore these guidelines or criticize the guidance system have been picked up for questioning and on occasion dismissed or sent out of the country on assignment; in one case in 1985 journalists were beaten. Nonetheless, the domestic media, notably newspapers and magazines, became noticeably more outspoken during and in the aftermath of the February National Assembly election. An edition of a prestigious monthly magazine carrying an article on the 1980 civil disturbances in Kwangju was confiscated by the Government shortly after its publication, and the article's author was interrogated by security officials. In late 1985 about 30 reporters, mostly from provincial papers, were fired for corruption on orders from the Ministry of Culture and Information. There were reports that at least some were in fact fired for holding views critical of the Government. In December a visiting U.S. Washington Times journalist was ordered out of the country temporarily, reportedly for writing an article on an alleged meeting between North and South Korean leaders.

The early months of 1985 saw the publication of an increasing number of books and magazines by dissident religious, political, and cultural figures. In May police confiscated books they considered dangerous on the grounds of being "leftist" or "encouraging revolution." According to the Minister of Culture and Information, in October 11,000 copies of 395 books were confiscated.

Twenty teachers who contributed to a magazine criticizing the Government's education policy were arrested or fired, and the magazine's publishing company was closed under the Basic Press Law. The Basic Press Law was also used against a student charged with editing a "seditious" publication; at least seven other students were charged with National Security Law violations in connection with publications said to be "sympathetic to Communism and serving the interests of the enemy." In July police raided an art exhibition and jailed five artists for a week, saying the paintings and prints there were objectionable on ideological grounds. A Christian youth activist received a suspended sentence for "defiling the state" by distributing dissident leaflets to foreign journalists.

Academic freedom is subject to some political limitations. In fall 1985 a group of professors who signed a petition opposing the proposed campus stabilization law came under official pressure to retract their views.

b. Freedom of Peaceful Assembly and Association

A number of specified categories of assembly, including those considered likely to undermine public order or cause social unrest, are prohibited by the Law on Assembly and

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Demonstrations. The law also requires that demonstrations of all types and outdoor political assemblies be reported in advance to the police. Violation of the law carries a maximum sentence of 7 years' imprisonment or a fine of about \$3,750. Under this law, police have at times intervened and broken up meetings. Most peaceful nonpolitical assemblies take place entirely without official supervision or restriction. However, meetings of dissidents are monitored and sometimes prevented, often by placing the scheduled speaker under some form of house arrest.

The Law on Assembly and Demonstrations was most often used in 1985 against student demonstrators. According to a government report submitted to the National Assembly in late October, a total of 1,923 students had been taken to police stations for involvement in demonstrations on and off campus since the May USIS Library seizure. Of that number, 309 were charged with violating the Law on Assembly and Demonstrations and/or laws punishing violent acts. Another 104 were booked without physical detention. About 1,000 were summarily tried on minor charges, and the remainder were released with warnings.

In September two opposition National Assemblymen and several other oppositionists were indicted under the Law on Assembly and Demonstration after they were stopped by police for shouting protest slogans against the Government at the gates of a Seoul campus on the day of a scheduled protest meeting. In October the lawyers for some of the students charged under the Law on Assembly and Demonstration requested a review by the Constitution Committee of the legitimacy part of the law, asserting that the vagueness of one clause rendered it unconstitutional. The Supreme Court ruled against the claim, stating that the right to assembly and protest is limited.

Under the Constitution, workers are guaranteed the right to independent association, to bargain collectively, and to collective action. These rights are circumscribed by law and practice and do not extend to workers employed by the Government, public utilities, defense-related industries, or firms "that exercise great influence on the national economy." In the past the last category has applied primarily to heavy industry.

The single national labor federation, the Federation of Korean Trade Unions (FKTU), and its 16 national affiliate unions are not controlled by the Government, but their activities are limited by law and subject to government interference. In 1985, five ranking FKTU officials were forced to resign under government pressure, reportedly because they were either held responsible for or did not agree with the Government's tough policy on recent labor disputes. Labor organizations are forbidden by law to support politicians or political parties, though the FKTU does lobby National Assemblymen, and Assemblymen often attend labor gatherings.

According to the FKTU, after an increase in 1984, dues-paying union membership in 1985 remained at about 800,000 workers, about 10 percent of the full-time work force. Ministry of Labor figures, based on reports submitted by individual unions, place total union membership at slightly over 1 million.

Some FKTU-supported revisions to labor regulations, approved in 1985, permitted a larger role for the Federation in local

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affairs. The FKTU continued to press for broader revision of the labor law, as did the main opposition party.

The FKTU is affiliated with the International Confederation of Free Trade Unions, and its constituent unions are affiliated with recognized international trade union federations. The Republic of Korea has observer status at the International Labor Organization.

All local unions must be organized within individual enterprises, creating a structure of thousands of individual unions, most of them small and weak. Direct participation in local unions' bargaining activities by outside agencies is forbidden. The FKTU and its constituent national unions can and sometimes do bargain on behalf of the locals and conduct education programs, but only with government and employer approval. Religious labor ministries such as the Catholic Young Christian Workers and the Protestant Urban Industrial Mission are also severely limited in the assistance which they can provide the unions. Under these circumstances, government and employer influence has greatly exceeded that of unions in setting wages and resolving other major labor issues.

Collective actions and strikes, though technically legal, are strongly discouraged. The Government used the Law on Assembly and Demonstration on a number of occasions in connection with workers' and farmers' rallies. Despite the legal restrictions and other obstacles, collective actions by workers, including strikes, increased in 1985. The Government charged radical student involvement in many of the disputes, saying it had identified at least 277 "disguised workers" through the end of September who had hidden their university credentials in order to "infiltrate" the workforce and "instigate" the workers to strike. Of these, 160 were fired by their employers, 97 "voluntarily" quit their jobs, and 20 are still working. In a few strikes, groups of nonstriking workers wielded pipes and stormed their workplaces to end worker sit-in's forcibly. They were not prevented by police from doing so, and many Koreans charged that the attacks were government-sponsored.

According to government statistics, the government committee charged with investigating unfair labor practices heard 227 cases in the first eight months of 1985, 205 of which involved problems with union organization and alleged employer obstructionism. The committee decided in favor of the workers in 64 cases.

c. Freedom of Religion

There is no state-favored religion in Korea. There is generally complete freedom of proselytizing, doctrinal teaching, and conversion. Korea both sends and receives missionaries of various faiths. Many religious groups in Korea maintain active links with coreligionists in other countries. Minority sects are not discriminated against, and adherence to a faith confers neither advantages nor disadvantages in civil, military, or official life. Churches and religious groups are subject to many of the restrictions on political activity and criticism of the Government that apply to all other institutions. On those occasions where pastors are harassed by the authorities, it is usually for religiously motivated social or political activism. One Protestant minister active in human rights issues has made plausible charges that a government security agency has sponsored efforts to disrupt his church

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services; other ministers have joined with him to protest what they term government infringement on religious freedom. The Government denied the charges and says the church's troubles are an internal problem. Conscientious objectors are subject to arrest.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There is almost universal freedom of movement and freedom to change employment in Korea. Because Korea is one of the most densely populated countries in the world, the Government does not discourage emigration or discriminate against prospective emigrants. Most people can obtain passports, except for criminals and some persons considered politically suspect. A number of dissidents, former political prisoners, and persons banned from political activity have been allowed to travel abroad. The Government limits the number of passports issued to tourists and prospective students, citing foreign exchange considerations and the problem of unqualified students going abroad. Passports, when issued, are typically limited to 1 year, although there are exceptions in which passports are issued up to the legally maximum 5-year period of validity.

A small continuing influx of Vietnamese boat refugees is admitted to first asylum in Korea. They are cared for at a camp in Pusan by the Korean Red Cross until they can be resettled abroad. Over 700 displaced persons from Vietnam have passed through Korea in the last several years. Very few have been permanently resettled in Korea.

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

Korea's Constitution and statutes, as well as its traditions, concentrate political power in the President, a concentration further intensified by the support the President enjoys from the military. The President and the members of the National Assembly are the only elected officials in Korea. Under the 1980 Presidential Election Law, the President is chosen by a popularly elected electoral college of at least 5,000 members. By law, presidential campaigns are brief and candidates severely restricted in campaigning, including the amount they may spend, the number of speeches they may deliver, and the number of publications they may distribute. In the 1981 presidential election these restrictions, together with the authorities' screening of electoral college candidates, resulted in the absence of effective opposition to incumbent President Chun Doo Hwan, who won nearly unanimously. In the 1985 National Assembly election, two of the most prominent opposition politicians, Kim Dae Jung and Kim Young Sam, were not allowed to participate.

The Constitution limits the President to a single 7-year term and may not be amended to allow the incumbent president to run for another term. The next presidential election will be held in late 1987 or early 1988. President Chun continued to reaffirm throughout 1985 that he intends to step down in 1988 to provide for a peaceful and constitutional transfer of power. His party, the Democratic Justice Party (DJP), has announced that it will convene in early 1987 to choose a presidential candidate. However, the main opposition party and most dissident groups are calling for a revision of the Constitution to allow for direct popular election of the

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president, contending that it would be less susceptible to government manipulation than the current system.

The National Assembly, although institutionally weak, acquired new importance in 1985 with the holding of elections and the emergence of a new, more outspoken opposition party. Members are directly elected and serve a 4-year term. The election law passed in 1981 provides for a proportional representation system that reserves 92 of the Assembly's 276 seats for members designated by the parties, with two-thirds of those seats awarded to the party gaining a plurality of the popular vote. The government party faced a strong challenge in the February 1985 Assembly election from a new opposition party, the New Korea Democratic Party (NKDP), formed only weeks before the election and led largely by politicians recently freed from the political ban. The government party, the Democratic Justice Party (DJP), garnered a plurality of 35.3 percent and, with its proportional representation seats, maintained a comfortable majority of 148 out of 276 Assembly seats. However, the NKDP obtained a surprising 29.2 percent of the popular vote. The former main opposition party, the Democratic Korea Party (DKP), received only 19.5 percent. Almost all of its members defected to the NKDP after the elections, boosting the NKDP's Assembly seats to 102 and making it the largest opposition party in the Republic's parliamentary history in terms of Assembly seats held. The campaign included outspoken criticism of the Government and its leaders by the opposition at large rallies and calls for constitutional revision to allow for direct presidential elections. Voter turnout was 84 percent, the highest since 1958. Press coverage was extensive, television less so.

In the aftermath of the election, the DJP pledged to practice the politics of "dialogue" and to "reflect the people's wishes as expressed in the election." The NKDP took a more aggressive stance than that adopted by other opposition parties since 1980, taking the Government to task on sensitive issues including the handling of the 1980 civil disturbances in Kwangju and constitutional reform.

On March 6, 1985, the Government lifted the political ban on the 14 people still affected by it. However, several persons, including prominent opposition figure Kim Dae Jung, although freed from the political ban, were still prohibited from joining a political party or running for office because they were under suspended sentences from prior convictions.

Women are free to vote, become government officials, and run for the National Assembly. Women hold seven Assembly seats, all but two appointed by their parties. In practice, however, the power structure remains male-dominated, and in many significant respects the legal system and social custom strongly discriminate against women. There is some pressure to address women's rights; in recognition of this, the ruling party has formed an ad hoc committee to study the issue.

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

The Republic of Korea does not belong to any international human rights bodies and usually does not welcome outside involvement in the human rights area, although government officials have allowed the visits of and met with

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representatives of international human rights bodies, including Amnesty International and Asia Watch. Prison authorities rebuffed attempts by human rights groups and opposition politicians to investigate conditions in prisons.

There are no government agencies charged with the protection of human rights, although political parties and the National Assembly have committees which are concerned with oversight of some aspects of the issue. In March 1985 opposition party leaders held up the convening of the National Assembly to negotiate the release of prisoners convicted on political and security charges. While the negotiations did not result in the release of many prisoners, they did represent the most open discussion of the issue in several years and received extensive press coverage in Korea. The autumn session of the National Assembly saw opposition interpellation of government ministers on human rights issues including torture and arbitrary arrest. Although the Government rejected calls for a special Assembly committee to investigate human rights abuses, especially torture, the opposition party and other opposition groups dispatched investigative teams, held press conferences, formed special committees, and provided legal defense in connection with numerous human rights issues.

A number of politically nonaffiliated private organizations have long been active in human rights, chiefly the Human Rights Committee of the Korean National Council of Churches, the Catholic Justice and Peace Committee, and the Korea Legal Aid Center in Seoul. The Committees and other human rights organizations submit petitions to the Government and make their views known both inside and outside Korea. People working with these groups are frequently questioned and sometimes detained by the security services, though apparently none have been arrested in the past several years.

Amnesty International temporarily closed its office in Seoul in 1985, over the objections of its Korean chapter, on the grounds that the group's independent activities were not possible under present conditions. In its 1985 Report, Amnesty International remained concerned about the imprisonment of people for peaceful expression of their views. While it welcomed the release in the early part of 1984 of over 200 students, it was concerned about an increase in the use of short-term detention for people participating in public protests and about several well-known critics of the Government being placed under house arrest. It noted that it had received fewer reports of torture during interrogation, but that there were numerous reports of police violence against demonstrators both before and after arrest. Freedom House rated South Korea "partly free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The Republic of Korea's population in 1985 was 42.6 million. Over the last 20 years the population growth rate has decreased from 2.6 to 1.5 percent, due in part to concerted efforts by the Government to encourage voluntary family planning. During the past 20 years, Korea's export-oriented, mixed economy has achieved one of the highest growth rates in the world, with per capita GNP rising from \$100 in 1965 to \$2,010 in 1983. A notable feature of this rapid growth has been the relative evenness of income distribution, though many Koreans characterize the gap between rich and poor as worsening. The percentage of the population below absolute poverty was estimated to be 18 percent in urban areas and 11 percent in rural areas. There is no economic discrimination based on race

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or religion. The right to own property, both alone and in association with others, is recognized in law and practice.

Improved health care and nutrition have increased life expectancy to 68.2 years, while infant mortality has declined to 29.6 per 1,000 live births. In 1980, an estimated 78 percent of the population had access to safe drinking water, and caloric supply per person was 126 percent of minimum nutritional requirements.

Education is highly valued in Korean society. Ninety-six percent of the population was estimated to be literate in 1980-82. Primary school education is universal for both sexes, and over 90 percent of elementary school students enter secondary school. About 34 percent of all high school graduates pass competitive entrance exams and enter college. There is great social mobility based on merit in education and employment.

Chapter V of the Labor Standards Law governs the employment of minor and female workers. Under this provision, minors under age 13 must have a special permit issued by the Ministry of Labor to be employed. Minors under age 18 must have a parent's or guardian's written approval in order to work, and they are prohibited from night work without special permission from the Ministry of Labor. The law requires that employers of 30 or more minors provide educational facilities or arrange scholarship funds for them. Employment of minors is widespread, particularly in family-operated enterprises and in some labor-intensive industries, and abuses of legal protections are common.

The Constitution states that the Government "shall endeavor to promote the employment of workers and to guarantee optimum wages through social and economic means." Standards of working conditions are to be "determined by law in such a way as to guarantee human dignity." The Labor Standards Law provides for a maximum workweek of 60 hours with mutual consent of employer and employee, a paid day of rest during the workweek, compensation for overtime and holiday work, paid holidays, and annual leave. There are no exceptions to working conditions standards for industries established in export-processing zones. Recent statistics indicate that the average full-time worker spends 54.4 hours per week on the job. Korea has no minimum wage system, but the Government has pledged to institute one as part of the 5-year economic plan beginning in 1987. Meanwhile, the Government is attempting to persuade the employers of the 300,000 workers earning less than 100,000 won (\$112) per month to raise wages. The Government announced in late 1985 that its efforts had resulted in a decrease of 112,000 workers in the below 100,000 won per month category.

Responding to a series of labor disputes highlighting criticism of its labor policy, the Government promised in 1985 to use stronger measures, including fines and imprisonment, to curb employer abuses such as delayed wage payments, illegal firings, and violations of regulations on working conditions. The Minister of Labor reported in late 1985 that 24 employers were arrested in the first half of 1985 for failure to pay wages and for physical abuse of employees. During that period, the Government reported uncovering 16,000 cases of employer wrongdoing, including nearly 2,500 cases of non-payment of wages, about 150 cases of unfair dismissal, and 40 violations of safety and health standards.

REPUBLIC OF KOREA

In the first half of 1985, 685 job-related deaths and 64,000 injuries were reported by government sources. In 1984 there were 1,667 deaths and 156,133 injuries reported in connection with industrial accidents. A government study cited lack of adequate safety precautions as a major cause of industrial casualties in about 10 percent of all cases. The Government has mandated insurance to cover industrial accidents at places of business employing 10 or more workers. The 1981 revision of the Industrial Accident Compensation Law covers job-related medical costs, sick leave benefits, disability benefits, and other costs.

Women's rights constitute a problem area. Some progress has been made--the family law was revised in 1960 and 1979--but critics contend that the law is still inconsistent with Korean constitutional guarantees of sexual equality. Women do not have equal rights with men in passing nationality to their children, nor do they have equal rights with regard to child custody in divorce cases. Women's rights groups are campaigning for changes in these and some other points of the family law.

Women do enjoy full access to educational opportunities. They are increasingly represented, though still largely at entry levels, in the military, the police, and in private industry. Other areas are more problematic. As of 1985, only 24 women had ever passed the bar examination. Five had passed the National Administration Examination, given for higher level civil service jobs. In general, women are not protected against discrimination in hiring, pay, or advancement. Some members of the National Assembly, however, are trying to focus more attention on women's rights.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: KOREA, REPUBLIC OF

	1983	1984	1985
I.ECON. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.AID	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN \$-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	186.7	231.8	231.9
LOANS.....	185.0	230.0	230.0
GRANTS.....	1.7	1.8	1.9
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	185.0	230.0	230.0
C.INTL MIL.ED.TRNG....	1.7	1.8	1.9
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	136.7	231.8	231.9
LOANS.....	185.0	230.0	230.0
GRANTS.....	1.7	1.8	1.9
OTHER US LOANS.....	9.0	0.0	0.0
EX-IM BANK LOANS.....	9.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1983	1984	1985	1946-85
TOTAL.....	942.4	977.5	697.2	8093.4
IBRD	672.0	768.5	556.0	5825.3
IFC	2.2	34.6	7.2	171.4
IDA	0.0	0.0	0.0	106.9
IOB	0.0	0.0	0.0	0.0
ADB	265.5	172.8	134.0	1938.3
AFOB	0.0	0.0	0.0	0.0
UNOP	2.7	1.6	0.0	36.1
OTHER-UN	0.0	0.0	0.0	15.4
EEC	0.0	0.0	0.0	0.0

LAOS

The Lao People's Democratic Republic (LPDR) is ruled by a Communist Government established in December 1975 after an insurgency of 20 years supported by North Vietnam. The sole political party, the Lao People's Revolutionary Party, takes its political ideology from Marx, Lenin, and Ho Chi Minh. It is dependent on Vietnamese and Soviet military and economic support to retain power. Laos' approximately 3.6 million ethnically diverse people, scattered over more than 91,000 square miles of rugged terrain, have no common national history and share few common traditions. National institutions remain weak. There is no constitution or codified body of law. No national elections have been held since the establishment of the regime.

The Government's insecurity and efforts to establish a Communist political and economic structure based on the Soviet and Vietnamese models have resulted in numerous human rights violations. Regional and domestic political tension, scattered anti-government resistance activity, and poor economic conditions continue, contributing to a siege mentality on the part of the narrowly-based Lao leadership. The Government is faced with a number of resistance groups which field as many as several thousand fighters seeking its overthrow. The approximately 50,000 Vietnamese troops in Laos regularly conduct operations with the Lao People's Army (LPA) against resistance groups and serve as the ultimate guarantor of the Government's survival. The state security apparatus, which reinforces central control through threats, fear, intimidation, and imprisonment, is a primary source of human rights abuses. Its power over the lives of Lao citizens is legally unrestricted.

Laos is an extremely poor and underdeveloped country. Although Laos apparently met its food needs with a successful 1984/85 crop year, nutritional levels remain barely adequate. Most large businesses were nationalized after 1975 and efforts during 1985 to reduce further the scope of private trade have disrupted supplies.

Human rights violations continued in 1985, and the individual remained subject to the arbitrary control of the state and the Communist Party. Compared with the period just after the Communist takeover, there have been a few limited improvements in the human rights situation since 1983. In 1985, few people were apparently sent to "re-education camps," some were released, and the conditions of some who remain under detention reportedly improved. However, serious abuses such as arbitrary arrests and detention without trial still exist. Government pressures against private economic activity increased. The totalitarian nature of the regime is mitigated somewhat by the importance of humane values in traditional Lao culture.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

Refugee reports continued in 1985 of villagers, particularly Hmong tribespeople, being killed or made ill by government and/or Vietnamese forces using toxic weapons. However, such

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reports were fewer than in 1983 and 1984 and have not been verified. There are occasional reports that Lao government and Vietnamese patrols have fatally shot persons fleeing from Laos and those entering the country illegally, usually smugglers or suspected members of the anti-government resistance.

An unknown number of people are killed annually in combined Lao/Vietnamese military operations against resistance forces. Many of the insurgents appear to be former Royal Lao Army troops and Hmong tribesmen. Both sides are reported to use brutal tactics, with the anti-government forces attempting ambush and assassination of Lao, Vietnamese, and other Communist military and civilian personnel. There are recurrent reports of lethal attacks in isolated areas on vehicles bearing government officials and on buses. These are attributed to resistance elements but have also involved ordinary robberies. Resistance groups in 1985 also reportedly killed a few aid experts from Communist countries. Official policy calls for the execution of resistance leaders, but no such executions were reported in 1985.

b. Disappearance

Although there were numerous cases of secret arrest and removal of persons to "re-education" camps in the first years of the present regime, disappearances have been reported only infrequently in the last several years and not at all in 1985.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There have been no reports of torture for the past six years. Some "re-education" prisoners continue to be held in harsh conditions. Former prisoners have reported that punishment for misbehavior could include brutal public beatings, shackling, deprivation of food, and sometimes, for those who tried to escape, execution. Some inmates died from malnutrition. Lao government officials have publicly denied reports of mistreatment of persons in the "re-education camps."

d. Arbitrary Arrest, Detention, or Exile

The Lao Government continues to maintain a number of "re-education camps" in which persons associated with the previous Government are imprisoned. Firm figures are not available, but it is believed that 1,000 to 3,000 persons remain imprisoned.

Since 1979, conditions in most of the "re-education camps" have reportedly improved, and a number of camps have been closed. Most detainees are now living in a kind of internal exile under conditions that--except for the severe restriction on their freedom of movement--generally are no worse than those of poor Lao living in the countryside. Many have reportedly been assigned to collective farms or construction units in areas near their former camps. Some are on probation or cannot arrange necessary internal travel documents. Others who have lost property and families are reported to have chosen to remain in areas near the camps to begin new lives. Amnesty International estimated, in its 1985 Report, that as many as 6,000 individuals live under some form of restriction and it has adopted more than 40 such political detainees as prisoners of conscience.

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In 1985, government officials claimed, as they had in 1984, that nearly all soldiers and officials sent to "re-education camps" in 1975-76 had been "released" and that "only a few" people remained under detention. Some government officials contend that all "re-education camps" have been closed. In June 1985 the Council of Ministers reportedly adopted a resolution authorizing the return of detainees to their homes, but without specifying any dates of release. In 1985 the Government permitted at least 50 "re-education camp" prisoners to return to Vientiane.

Those accused of hostility to the regime or of what the Government calls "socially undesirable habits," such as prostitution, drug abuse, idleness, and "wrong thought" are sent to "rehabilitation" centers, usually without trial. Most of these persons have been allowed to return to their homes after periods ranging from a few months to several years of hard labor, political indoctrination, and admission of guilt. In 1985, there were reports that some unemployed and idle youths in Vientiane and other urban areas were rounded up and sent against their will to the countryside to work on public works projects, in some cases to join "patriotic youth" groups also working on such projects.

e. Denial of Fair Public Trial

No code of law exists in Laos and there is no guarantee of due process. The Government is still revising the pre-1975 law code and rehabilitating the court system. It has promulgated interim rules and regulations for the arrest and trial of those accused of specific crimes, including armed resistance to the Government. Although the regulations allow an accused person to make a statement presenting his side of the case, they provide no real opportunity for the accused to defend himself and do not permit bail or use of an attorney. Rather, the Government has issued instructions on how to investigate, prosecute, and punish wrongdoers. These instructions are applied capriciously and inconsistently. People can be arrested on the unsupported accusations of others and detained while the accusations are investigated, without being informed of the charges or the person making the accusations. Those arrested are not always informed of the charges against them, and investigations often take a long time unless family members and friends take a strong interest in the case. Government officials and their families can easily influence the judgments reached. There is some provision for appeal, although important political cases tried by "people's courts" are without an appeal process. Amnesty International reported that seven persons sentenced to prison in 1983 were permitted informally to appeal their convictions and were released in 1984. Death sentences must be approved by the Council of Ministers. Lao regulations call for judgment to be given in public. This is, in effect, a public announcement of the sentence and not a public trial.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Search and seizure are authorized by the security bureaus themselves rather than by an impartial judicial authority, and government regulations, which are not always followed, provide little protection for the persons affected. International and domestic mail is selectively opened on a routine basis. Mail from China and non-Communist countries is particularly

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suspect. Telephone calls are frequently monitored. Privately-owned land may not be sold but can be inherited. Houses, appliances, and other private property can be sold only with difficulty in most cases, since the possession of large amounts of cash in this poor country draws immediate government suspicion. Inheritances cannot be passed on to relatives who have left the country as refugees and acquired another nationality. Only government officials and others whom the Government determines have a professional need are allowed to possess non-Communist foreign newspapers, magazines, and other publications. The Government makes no attempt to stop Lao from watching Thai television or listening to foreign radio stations such as the Voice of America. The state security apparatus monitors family life extensively through a system of neighborhood wardens and informers.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Lao press is owned by the Government and party and used to disseminate official positions. Written or spoken opposition to the Government is not permitted. Persons who have engaged in such activities have been jailed. Most Lao are intimidated from discussion or association with foreigners. Academic freedom does not exist.

b. Freedom of Peaceful Assembly and Association

The Government controls all meetings and, except for religious and athletic events, organizes them. Individuals do not have the right to join together to promote causes not sponsored by the regime or to protest government policies. All associations--such as those for youth, women, workers, and a "peace organization"--are government-controlled and authorized "mass organizations." These are organized to exercise government control and disseminate government policy. All professional groups are organized by the party, and their leadership is ordinarily drawn from party ranks.

Trade unions are organized as "mass organizations" of the party without the right to engage in collective bargaining. They have no real influence in determining working conditions.

Lao associations are permitted to maintain relations with like-minded organizations in other countries, particularly those in Communist countries. Ordinarily Lao citizens are permitted association or contact with foreigners only in rare and unusual circumstances, usually involving their work.

c. Freedom of Religion

Nearly all Lao are Buddhists or, in the case of some hill tribes, animist. After 1975, the Government took over some Buddhist and Christian places of worship for use as political indoctrination centers or warehouses. This practice appears to have ceased, however, and construction of Buddhist temples has been observed. Buddhist temples have become more active, and the number of monks has increased.

In official statements, the Government has recognized the right of the people to religious belief as well as the contributions religion can make to the development of the country. However, many Lao believe that the Government has

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begun a long-term effort to subvert the role of religion, in part because it considers the maintenance of temples and the activities of monks non-productive. This effort includes carefully controlling the education of young monks and compelling the Buddhist clergy to propagate some elements of Marxist-Leninist doctrine. Monks are the only remaining social group still entitled to special honorific terms of address, and even high party and government officials continue to use them. Religious festivals are permitted to take place without hindrance. Young people regularly enter into religious orders for short periods. Links may be maintained with coreligionists and religious associations only in countries approved by the Government, usually other Communist countries. Traditional links to Thai Buddhists are no longer permitted. In theory, missionaries are not banned from entering Laos to proselytize, but in most cases they have been denied permission. Many top party officials still participate in religious ceremonies, but the military are forbidden even to have Buddhist funerals.

Roman Catholics and Protestants are permitted to worship without harassment, but the activities of their churches are closely observed. Since 1975, they have not been permitted to operate schools, seminaries, or associations, although some short-term training sessions for local Protestant church leaders have been permitted. In 1985 a few church leaders remained under detention, allegedly for anti-government activity. In addition, two priests were confined to "re-education camps" with no charges made against them. Catholic Church officials visited Laos in 1985 to meet with local Catholic Church leaders. The Government has taken steps, including the use of media, to persuade hill tribe minority groups to abandon their "old-fashioned" animist beliefs.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Lao citizens must obtain permission from the authorities for all internal travel of any distance and in all cases when crossing provincial boundaries. A curfew exists in the capital and other major cities. Its rules change from time to time, as does its enforcement. Government officials have cited threats of "disorders" created by "reactionary" elements as the reason for the restrictions.

Foreign travel is permitted for officials, students in government-approved programs, and some others who have access to foreign exchange. Lao are rarely permitted to study or train in non-Communist countries even at their own expense. Exit visas are required and are difficult to obtain, but in 1983, 1984, and 1985 there were noticeable increases in the number of Lao permitted to travel abroad. Border crossing permits are available for those with business in Thailand. Although the Government has said that those wishing to emigrate will be allowed to do so, as a practical matter legal emigration is rarely authorized for ethnic Lao and, when it is, reportedly requires substantial bribes. Since 1975 over 300,000 of the Lao who have fled Laos have registered as refugees in Thailand. An unknown number of other Lao who have fled the country have simply settled in with kindred ethnic groups.

Some of those fleeing have been fired upon and killed by Lao, Vietnamese, or Thai border patrols as they attempt to cross

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the Mekong River. Many Lao caught seeking to leave illegally have been imprisoned, although in some cases they have only been sent to short indoctrination seminars and then released.

The Lao and Thai Governments have agreed to take back, on a case-by-case basis, those of their respective citizens who have illegally crossed into the other country and wish to return home. Since May 1980, when agreement was reached with Thailand and the United Nations High Commissioner for Refugees (UNHCR) on a voluntary repatriation program, about 3,000 Lao refugees voluntarily returned to Laos under the auspices of the UNHCR. Those accepted for return receive several days of political indoctrination and are then released to return to their homes, where they are placed under the control of the village authorities. The UNHCR provides basic necessities and monitors treatment and living conditions thereafter. Perhaps as many as 5,000 to 10,000 refugees have repatriated themselves without official involvement. There is reportedly no pattern of official harassment or maltreatment of these voluntary returnees. Laos has also agreed in principle to receive back Lao citizens determined not to be entitled to refugee status by the Thai-UNHCR screening program begun in 1985.

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

Laos is ruled by a small elite of the Lao People's Revolutionary Party, the sole party. There is neither freedom to participate in politics outside the party nor popular choice of policies or officials. After the Communists seized power in May in 1975, but before the establishment of the present regime in December of that year, local elections were held in which voters chose from a list of candidates selected by the party. Representatives to the Lao Supreme People's Council were reportedly chosen by those local officials, although this process was not made public. Recently, Phoumi Vongvichit, Vice Chairman of the Council of Ministers, told an Australian academic that the Supreme People's Council was "elected" on December 2, 1975, by the National Congress of People's Representatives which proclaimed the LPDR. There have been no national elections. A few "by-elections" have been organized to replace representatives who have died or been transferred.

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

Laos has refused to cooperate with the U.N. Secretary General's investigation of the use of chemical/toxin weapons in Laos. It does not cooperate with private international organizations interested in human rights. It does occasionally permit visits by officials of international human rights organizations if the purpose of the visits is not specifically related to allegations of human rights violations. In the past, the Lao Government has permitted the UNHCR to investigate to a limited degree the status of Lao refugees voluntarily repatriated from Thailand. In 1985, a senior UNHCR official made a brief visit to Vientiane. Amnesty International in its 1985 Report stated that its main concern "is the continued restriction in remote parts of northeast and southeast Laos of large numbers of people being detained without trial since 1975 because of their alleged

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positions or activities under the pre-1975 government." It also expressed concern at the lack of due process or legal safeguards due to the absence of a constitution or code of law. Freedom House rates Laos as "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The population of Laos is approximately 3.6 million. Overall population growth is estimated as 2.0 percent annually. About 85 percent of the population is engaged in agriculture. The World Bank in 1983 estimated Laos' per capita gross national product (GNP) at \$143. The country's economic problems are complicated by inadequate internal transport and isolation from the sea. The avowed aim of the Government is economic self-sufficiency and improved conditions for the people through a socialist transformation of the economy, including collectivization of agriculture. The Government has declared that farmers will not be forced to join collectives but continues to apply strong pressure on them to join, and economic incentives are given to those who do so. The Government has nationalized most of Laos' few industries and tried to impose strict controls on private enterprise. Limited private trade continues, however, because the Government recognizes the present limitations of the state trading system. In 1985 efforts to restrict such trade intensified.

The economy in 1985 was tied more closely to that of Vietnam by, among other things, reducing foreign trade links through Thailand and upgrading such links through Vietnam. The dollar exchange value of the kip dropped more than 30 percent between January and October. Laos continues to experience serious foreign exchange problems and has difficulty in paying its import bills for many necessities, including fuel. Natural and man-made problems continue to hold timber and coffee exports far below their potential. In addition, the Government has used these commodities and minerals to pay for barter trade with Soviet bloc countries, rather than selling them for hard currency. Partial Thai restrictions on the types of goods permitted to transit through Thailand may have played a role in these developments.

Health conditions are poor but improved marginally in 1985. In 1985, the World Bank estimated infant mortality at 116.2 per 1,000 live births, which represents a slight reduction from 1984 and a significant one from 1976 when government figures placed the rate at 204 per 1,000 live births. Life expectancy at birth was approximately 44.66 years in 1985. According to government statistics, in 1982 there were only 226 physicians and 1,184 other medical personnel in the country. Major causes of death in Laos are gastrointestinal diseases from unsafe drinking water, malaria, respiratory infections, and malnutrition. In 1982 the daily calorie supply of the average Lao was recorded by the World Bank as being 90 percent of requirements. The Government is attempting to improve public health by training more personnel in basic health care, modernizing 13 provincial hospitals, constructing clinics in all districts, inoculating against cholera and other diseases, promoting adult education on preventive hygiene, and improving water supplies. In 1975, 100 percent of the urban but only 32 percent of the rural population had access to safe water, according to the World Bank.

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Lao authorities are continuing a campaign to reduce illiteracy and claim it has been eliminated in some provinces. The World Bank estimated the literacy rate at 43.6 percent for the period 1980-1982. The Government claims that approximately 93 percent of children aged 5-14 attend school regularly. The World Bank estimate for 1980 was 73.69 percent. Teacher training, however, has usually been rudimentary. According to some accounts, in both provincial and urban areas the time teachers must devote to supplementing their meager salaries causes them to reduce classroom hours substantially. The Government carries out an intensive program of adult education aimed at indoctrinating adults along "socialist lines."

Emphasis in higher education is placed on training technicians and engineers to work on development projects. Thousands of Lao students have been sent abroad for training in the U.S.S.R., Vietnam, and Eastern Europe. The pool of trained manpower in Laos is gradually increasing as students begin to return from abroad, but some do not find jobs in their areas of training.

Laos has set neither minimum wage, maximum workweek, nor safety or health standards for the workers in its almost entirely rural and agricultural economy. Workweeks typically fall well under forty-eight hours, with some exceptions such as during urgent road-building or construction projects. Workplace conditions are not systematically exploitative, but they sometimes fail to protect workers adequately against sickness or accident. Work permits customarily are not issued to persons under eighteen, although children frequently work with their parents in traditional occupations such as farming and shopkeeping.

The role of women in Lao society has been traditionally subservient to that of men, but discrimination is not highly pronounced. The government-controlled Lao Women's Federation has as one of its stated goals achievement of rights for woman "equal" to those of men. Lao women are currently being encouraged to take an increasing part in economic and state-controlled political activity. According to 1980 World Bank figures, the primary school enrollment ratio for girls is 80 percent of that for boys, although the literacy rate among women is only 70 percent of that among men.

Approximately half of the population in Laos is ethnic Lao, also called "lowland Lao"; 20 percent are tribal Thai; 15 percent are Phoutheung (or Kha); and other mountain tribes constitute another 15 percent (Hmong, Yao and others). The Lao Government is attempting to integrate these groups and overcome traditional antagonisms between lowland Lao and minority groups.

The Hmong are split along clan lines. Many were strongly anti-Communist, but others sided with the Communist Pathet Lao and the Vietnamese. The Government is repressive toward all groups that fought against it, especially those who continue to resist its authority by force. The Hmong tried to defend some of their tribal areas after 1975 and some continue to support anti-LPDR resistance groups. Vietnamese and Lao armed forces conduct military operations against both resistance groups, the tribally-based ones in the north and the resistance forces from lowland Lao groups, mainly in southern Laos.

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The Government wants to resettle in the lowlands some ethnic minorities who now inhabit mountainous areas where they would be under closer government control and engage in settled agricultural production. The Government has reportedly abandoned the use of force in favor of a voluntary program based on material inducements.

Deterioration in Sino-Lao relations since 1979 has resulted in continuing increased Lao Government suspicion and surveillance of local ethnic Chinese. The Government so far has not persecuted or expelled Chinese although it allows them to emigrate rather freely; in fact, the majority of Chinese resident in Laos in 1975 have since left on their own, largely for economic reasons. Those who remain have maintained Chinese schools in Vientiane and Savannkhet and Chinese associations in several provincial capitals.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: LAOS

	1983	1984	1985	

I.ECON. ASSIST.-TOTAL...	0.0	1.5	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	1.5	0.0	
A.AID	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0	
B.FOOD FOR PEACE.....	0.0	1.5	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	1.5	0.0	
TITLE I-TOTAL.....	0.0	0.0	0.0	
REPAY. IN \$-LOANS.....	0.0	0.0	0.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	0.0	1.5	0.0	
E.RELIEF.EC.DEV & WFP.....	0.0	1.5	0.0	
VOL.RELIEF AGENCY.....	0.0	0.0	0.0	
C.OTHER ECON. ASSIST...	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
PEACE CORPS.....	0.0	0.0	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
A.MAP GRANTS.....	0.0	0.0	0.0	
B.CREDIT FINANCING.....	0.0	0.0	0.0	
C.INTL MIL.ED.TRNG.....	0.0	0.0	0.0	
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E.OTHER GRANTS.....	0.0	0.0	0.0	
III.TOTAL ECON. & MIL...	0.0	1.5	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	1.5	0.0	

OTHER US LOANS.....	0.0	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	0.0	0.0	

ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	1946-85

TOTAL.....	12.1	18.9	9.0	166.3
IBRD	0.0	0.0	0.0	0.0
IFC	0.0	0.0	0.0	0.0
IOA	6.2	0.0	0.0	53.2
IOB	0.0	0.0	0.0	0.0
ADB	0.0	14.3	9.0	60.1
AFDB	0.0	0.0	0.0	0.0
UNDP	5.9	4.6	0.0	42.8
OTHER-UN	0.0	0.0	0.0	10.2
EEC	0.0	0.0	0.0	0.0

MALAYSIA

Malaysia has a parliamentary system of government based on free elections contested by a number of parties representing a range of political opinion. The ruling National Front (composed of three major and several minor community-based parties) has won a two-thirds or better majority in the Federal Parliament in every election since Malaysia achieved independence, but opposition parties are active and vocal participants in the political system and have occasionally held power at the state level. Malaysia is a multiethnic society. The politically dominant Malay community comprises a bare majority of the population. There are also large Chinese and Indian minorities and many smaller communities. Most of the latter are indigenous to the East Malaysian states of Sabah and Sarawak.

A strong free market economy, abundant natural resources, and a relatively small population have helped Malaysia become one of the most prosperous of the developing countries.

Internal security in Malaysia has been seriously threatened twice. A major Communist insurrection began in 1948 and peaked in the early 1950's; it still smolders in a few border areas. In 1969, in intercommunal rioting following national elections, several hundred persons were reported to have died. In addition, the Government explicitly classifies the country's current serious drug problem as a threat to national security. The remnants of the Communist insurgency, the possibility of renewed communal conflict, and escalating drug abuse are cited by the Government as justification for laws that allow preventive detention of persons suspected of subversive activity or of other activities, including drug crimes.

Prime Minister Mahathir's administration has been relatively restrained in its use of Malaysia's internal security legislation to deal with political offenses in comparison to previous regimes. The number detained under security legislation reportedly has been sharply reduced to 64, from about 500 when Mahathir took office in 1981. However, the Government has made clear its intention to continue to use security legislation when necessary in the future. Important developments in 1985 include passage of a new drug law providing a specific basis for preventive detention in drug cases, and the arrests of two well-known journalists under the Official Secrets Act and of a prominent lawyer (and human rights activist) under the seldom-used Sedition Act.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There were no reports during 1985 of political killing by the Government or by any other organization.

b. Disappearance

During 1985 there was no evidence of abduction, secret arrests, or clandestine detention attributable to the Government or to nongovernmental or opposition forces.

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- c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There is no evidence of torture. Allegations of cruel, inhuman, or degrading treatment or punishment are rare.

- d. Arbitrary Arrest, Detention, or Exile

The Government can detain suspects without benefit of judicial review under three legislative acts.

The 1960 Internal Security Act (ISA), spawned by the Communist insurgency of the 1950's, is aimed at controlling internal subversion. Detainees must be informed of the charges against them and given the opportunity to protest those charges to an advisory board. The advisory board must also review each case at least every 6 months. However, neither advisory board decisions nor recommendations are binding on the Government. The Government has the power to extend detention indefinitely, in 2-year increments. According to the Home Minister, the number of ISA detainees was reduced from 168 in September 1984 to 64 in June 1985. Most of these are long-term detainees alleged to be members of the Communist Party of Malaysia, although members of legal opposition parties (at least two during 1985) have also been detained under the ISA.

The Emergency Ordinance of 1969 stemmed from that year's communal riots. The state of emergency has never been rescinded, although Parliament regained its legislative power, suspended as part of the emergency, in 1971. The Emergency Ordinance gives the Government the power to detain anyone "in the interests of the public safety or the defense of Malaysia." As under the ISA, detainees must be informed of the charges against them, and they can appeal to an advisory board. In contrast to the ISA, however, the Emergency Ordinance allows the Government to detain suspects for a maximum of two years, although upon release it can put them under "restricted residence" for an additional 2-year period. The Government has relied on the Emergency Ordinance to detain suspected major narcotics traffickers when it has insufficient evidence to prosecute them under drug laws. Based on figures provided by the Malaysian Government, it appears that about 900 suspects are presently in detention, including 250 taken into custody in the first 9 months of 1985.

The Dangerous Drugs Act of 1985, adopted in May after extensive public hearings by a parliamentary select committee, gives the Government a specific act under which to detain suspected drug traffickers. It strengthens the Government's hand in that suspects can be held indefinitely for successive 2-year periods. However, certain due process safeguards not found in the Emergency Ordinance were incorporated in the anti-drug law. An "inquiry officer" must both receive a copy of the police report to the Minister of Home Affairs which recommends detention and also submit his views to the Minister. Also, the opinion of the advisory board, following either its initial hearing or its periodic reviews of each case, is binding rather than optional on the Minister. Finally, the act expires after 5 years unless reaffirmed by Parliament.

Malaysia subscribes to International Labor Organization Convention 105 which prohibits forced or compulsory labor.

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Some observers think conditions for some plantation contract workers amount to forced labor. However, Malaysia has effective legal sanctions, and forced labor does not appear to be practiced. (See further reference in last section of this report.)

e. Denial of Fair Public Trial

The Malaysian judiciary is generally regarded by the public and the legal community as committed to the rule of law. Although the courts have rarely challenged legislation, they have not hesitated to rule against government prosecutors in specific cases, both civil and criminal.

Ordinary (nonsecurity-related) civil and criminal cases are tried under a fair and open judicial system derived from British jurisprudence. Charges must be levied against a defendant within 24 hours of arrest, and police must decide within 14 days whether to bring the case to court. Defendants have the right to counsel, and lawyers are able to represent clients without penalty to themselves. Bail is available, and strict rules of evidence apply in court. Defendants may appeal lower court decisions to the federal courts and, in criminal cases, may also appeal for clemency to the King or local state rulers, as appropriate.

Persons detained under security legislation and for certain classes of crimes, if their cases are brought to trial, are tried under special procedures contained in the essential (security cases) regulation of 1975. The accused is allowed counsel but does not receive a statement of the evidence; trial is by a single judge without a jury; and witnesses may be examined in the absence of the accused. Admissible evidence includes hearsay and secondary evidence, testimony of children and spouses, self-incriminating statements to police, and information from seized records or communications. If the accused is found guilty, the judge must impose the maximum penalty. For certain internal security crimes, including the possession of firearms, the mandatory sentence is death. In 1985, at least three persons were executed after conviction under the ISA for illegal possession of firearms. A fourth, Sim Kie Chon, convicted in 1983 under the ISA for the same crime, is under a stay of execution pending appeal.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Under the ISA, the police may enter and search without warrant the homes of persons suspected of threatening national security and confiscate evidence from them.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Although the Government permits individuals and the media a relatively large degree of freedom of expression, a number of important restrictions exist. The statements and activities of domestic political figures are reported in some detail; opposition politicians get significantly less coverage. The Government is particularly sensitive to criticism of the constitutionally-guaranteed special position of Malays in society and, closely related to this, any statement that threatens public order by promoting ill-feeling between

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ances. Under the Seditious Act of 1948, strengthened by amendment after the 1969 rioting, such public criticism is considered seditious, as is criticism of the Government's administration of justice and other matters. A prominent lawyer who commented on the Sim Kie Chon case, as noted in Section 1.e., has been charged under the Seditious Act for pointing out publicly that the pardons board did not grant clemency to Sim, a Chinese, even though he did not use his gun, while it did commute the sentence of a prominent Malay who was convicted of using a gun to commit murder. Both Haji Suhaimi Said, legal advisor to the Islamic Party PAS, and Fan Yew Teng, Secretary-General of the Socialist Democratic Party, were charged with publishing books containing material judged inimical to communal harmony.

The media are further constrained by ownership and legislation. All radio stations and two of the three television stations are government owned. The other television station, which began broadcasting in 1984, and most of the press are owned by groups close to the Government. Government control over publishing licenses, reinforced in 1984 by the passage of the Printing and Publications Act, has moved the press towards considerable self-censorship. This act also allows the Government to restrict the importation of foreign publications, a right exercised during 1985 when several issues of a prominent regional newspaper were denied distribution. Also, an expatriate reporter from a well-known regional publication was questioned by police regarding his sources for a report on a confidential Malaysian foreign policy document, and he was prosecuted, convicted, and fined under the Official Secrets Act. In November, a Malaysian reporter was arrested under the Official Secrets Act and charged with receiving and writing a story based on an official document on the force structure of the Malaysian Air Force. He faces a maximum sentence of 7 years' imprisonment or a substantial fine, or both.

b. Freedom of Peaceful Assembly and Association

The Malaysian Constitution guarantees the rights of freedom of peaceful assembly and association. It also grants the Government extensive powers to limit those rights by legislation in the interest of security and public order. After the 1969 communal riots, the Government passed laws greatly limiting the right to public assembly by large groups. In recent years, however, these laws have been selectively enforced. "Political meetings," which the Government alleged were being used by the opposition party PAS to sow division within the Malay community, were banned for short periods in late 1984 and again in late 1985. The controversial Societies Act empowers the Government in effect to prohibit societies which comment unfavorably on political or public issues; this act is used by the Government to set limits to lobbying by groups although not to suppress it entirely. Under the Universities and University Colleges Act, student associations must be approved by the Ministry of Education and are prohibited from engaging in political activity.

The Trade Unions Act of 1959 and the Industrial Relations Act of 1967 govern the rights of workers to engage in trade union activity. The latter specifically prohibits any person from interfering with, restraining, or coercing a worker in the exercise of the right to form or participate in the lawful

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activities of a trade union. Unions may bargain collectively with an employer, form federations, and join international labor organizations. The Government promotes the settlement of disputes between unions and employers through the Ministry of Labor conciliation service, the industrial court, and the public service tribunal.

Although labor standards in Free Trade Zones are the same as those in the rest of Malaysia, there has been a problem about the recognition of unions in electronic component manufacturing plants, most of which are located in Free Trade Zones. (Conditions of employment and wages in electronic component manufacturing plants are among the best in Malaysia's manufacturing sector.) When the plants were first established in the mid-1970's, an attempt was made to organize the workers by the Electrical Industry Worker's Union (EIWU). The Government determined that a distinction should be drawn between the electrical product manufacturing industry and the electronic component industry, and that therefore the electronic component workers would have to establish their own union. A second legal challenge was mounted by the Malaysian Trades Union Congress (MTUC) in the early 1980's when it attempted to organize electronic component workers. The High Court determined early in 1985 that the MTUC did not have standing in this matter, as it does not represent electronic workers and is not a trade union. Although it appears Malaysian unions will continue their efforts to organize electronic component workers, it is widely understood that the Government, as an inducement to electronic component manufacturers in Free Trade Zones, has offered such firms varying periods of union-free operation.

Labor legislation grants the right to strike to Malaysian workers. However, union leaders complain that 1980 amendments to the two acts noted above interfere with their right to strike and to bargain collectively without fear of coercion. Specific union charges about government interference with the right to strike and bargain collectively are contained in a complaint presented to the ILO by the MTUC. The MTUC alleged that the amendments to the Trade Unions Ordinance of 1959 and the Industrial Relations Act of 1967, passed in May 1980, contain prohibitive and oppressive anti-union provisions which erode the basic rights of workers, restrict union activities, and result in government and employer interference in the internal administration of trade unions. In 1983, the ILO urged the Malaysian Government to amend these laws further to bring them into conformity with the convention on the right to organize and to bargain collectively. In 1985, the MTUC and the Malaysian Employers Federation conducted a joint seminar on Malaysia's labor laws in which Ministry of Labor personnel participated. As a result of this seminar, Malaysia's labor laws may eventually be amended to expand the right to organize and bargain collectively.

According to the Ministry of Labor, there are 386 trade unions in Malaysia representing about 620,000 workers, or about 10 percent of the work force. While unions do not engage in political activity, individual trade union leaders have served in the Parliament, and individual union members may belong to political parties.

c. Freedom of Religion

The official religion of Malaysia is Islam, and Malays are legally bound in some civil matters, e.g., family relations,

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diet, etc., by Islamic religious laws administered by state rather than by Federal authorities. Nonetheless, the Constitution guarantees freedom of religion for all. Religious minorities, which include large Hindu, Buddhist, Sikh, and Christian communities, are free to practice their faith without interference by the Government. Conversion is permitted, but proselytizing of Muslims is strongly discouraged. Although an Islamic religious establishment is supported by government funds and it is government policy to infuse "Islamic values" into the administration of Malaysia, the Government has refused to accede to demands for the imposition of Islamic religious law in cases involving non-Muslims. Non-Muslims are excused from public school instruction in the Muslim religion.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Persons wishing to travel abroad must obtain passports, which have been denied in a few cases on what the Government terms security grounds. Travel to the Soviet Union and several Eastern Bloc countries is closely restricted, although recently controls on travel to some East European countries have been reduced. Traditionally tight controls on travel of Malaysian Chinese to China have also recently been loosened. They can visit China for medical treatment, to see relatives, to tour (if over age 60), and for business trips when they can satisfy the Government that such commerce will be of "net benefit" to Malaysia.

Malaysia has provided first asylum to 200,000 Vietnamese refugees since 1975. It has cooperated closely with international organizations and resettlement countries in facilitating the eventual movement of the refugees to those countries. Malaysia itself has resettled over 7,000 Khmer Muslim refugees but has not accepted non-Muslim refugees for permanent settlement. About 40,000 Philippine Muslims have permanently settled in Sabah since 1975, although they have not yet been offered citizenship.

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

Malaysia's parliamentary system is based on the British model. The Prime Minister and Cabinet are responsible to Parliament. Elections must be held at least once every 5 years. The opposition concedes that elections to date have been free and fair; votes are cast secretly and recorded accurately.

Through the United Malays National Organization (UMNO), Malays dominate the ruling National Front coalition of ethnic-based parties which has controlled Parliament since independence. Malays fill most important cabinet posts. The National Front parties benefit substantially from gerrymandered electoral districts. In April 1982 the National Front won 132 of the 154 seats in the House of Representatives. Although the opposition regularly criticizes the Government in Parliament, it rarely succeeds in influencing legislation.

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

The Malaysian Government is not a member of any international or regional human rights body. The Government was not the subject of resolutions, investigations, or other action by human rights organizations in 1985. Although Amnesty International has noted that most detainees held under the ISA have been released in recent years, a March 1985 summary of its concerns in Malaysia again criticized the Government for detention under this act and called for the unconditional release of specific "long-term" detainees. The Government has taken the position that Malaysia is the best and sole judge of its security needs and that the act will remain in effect. In its 1985 Report, Amnesty International also criticized conditions and treatment in Taiping detention camp and at interrogation and "rehabilitation" centers. Freedom House rates Malaysia as "partly free."

There are no government or private organizations in Malaysia which deal specifically with protection of individual liberties. The bar council, a Muslim youth movement, and a social reform group all devote some time to the subject, usually in response to government actions they believe endanger civil liberties. The bar council also investigates some cases of possible violation of human rights, but more on an ad hoc basis than through set procedures.

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The population of Malaysia in 1985 was reported to be approximately 15.3 million, and the population growth rate about 2.0 percent. Government policy encourages a high birth rate. Malaysia's abundant natural resources (tin, rubber, palm oil, petroleum, gas, and timber) have helped to make its economy one of the more prosperous ones in Asia for the last two decades. Manufacturing is on the rise, with textiles, electronic components, and other manufactures increasingly being exported. Gross national product per capita was estimated at \$1,981 for 1984.

In 1985 life expectancy at birth was 67.7 years and infant mortality about 25 deaths per 1,000 births. In 1980 an estimated 63 percent of the population had access to safe drinking water. The per capita calorie supply in 1982 met 120 percent of nutritional requirements. Education is free, compulsory for 9 years, and available to all. The Government provides scholarships at special boarding schools and at universities abroad for gifted students, particularly Malays. The primary school enrollment ratio is 96 percent. The estimated adult literacy rate in 1980 was 72 percent.

Various government regulations are designed to ensure that workers enjoy acceptable conditions of work. Work hours are not to exceed 8 hours per day or 48 hours per week, and vacation time must be granted. Factories must maintain minimum standards of industrial safety and insurance plans. Employers must provide severance pay and maintain a retirement fund. However, there is no minimum wage except in a few minor occupations.

Plantation work is increasingly being done by contract workers, many of whom may be illegal immigrants from

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Indonesia. Working conditions for contract workers are significantly below those of direct hire plantation workers, many of whom belong to the National Union of Plantation Workers. Additionally, many of the immigrant workers, particularly the illegal ones, may not have access to Malaysia's excellent juridical labor system.

Employment of children is covered by the Children and Young Persons (Employment) Act of 1966, which stipulates that no child under 14 may be engaged in any employment except light work in a family enterprise, in public entertainment, work performed by the Government in a school or training institution, or employment as an approved apprentice. It is illegal for children to work more than 6 hours per day or 6 days per week, or at night.

There are no restrictions on the political rights of Malaysian women. Government policy supports their full and equal participation in government, education, and the work force. The position of women in society is conditioned by the cultural and religious traditions of the country's major ethnic groups. With a general resurgence of Islamic piety among Malays, Malay women have in recent years tended toward close conformity with Koranic stipulations on women's roles.

The Government implements on an extensive scale programs designed to boost the economic position of the ethnic Malay majority which remains poorer, on average, than other Malaysians despite its political dominance. As a result of these discriminatory government programs and policies, non-Malay opportunities for education, government employment, and ownership of new homesteads are limited. Virtually all institutions of higher learning are required to use the national language, Malay, as the medium of instruction for nontechnical courses.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: MALAYSIA

	1983	1984	1985	

I.ECON. ASSIST.-TOTAL...	0.8	0.1	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.8	0.1	0.0	
A.AID	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0	
B.FOOD FOR PEACE.....	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
TITLE I-TOTAL.....	0.0	0.0	0.0	
REPAY. IN \$-LOANS....	0.0	0.0	0.0	
PAY. IN FOR. CURR....	0.0	0.0	0.0	
TITLE II-TOTAL.....	0.0	0.0	0.0	
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0	
VOL.RELIEF.AGENCY....	0.0	0.0	0.0	
C.OTHER ECON. ASSIST...	0.8	0.1	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.8	0.1	0.0	
PEACE CORPS.....	0.8	0.1	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II.MIL. ASSIST.-TOTAL...	4.7	10.9	5.0	
LOANS.....	4.0	10.0	4.0	
GRANTS.....	0.7	0.9	1.0	
A.MAP GRANTS.....	0.0	0.0	0.0	
B.CREDIT FINANCING....	4.0	10.0	4.0	
C.INTL MIL.ED.TRNG....	0.7	0.9	1.0	
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E.OTHER GRANTS.....	0.0	0.0	0.0	
III.TOTAL ECON. & MIL...	5.5	11.0	5.0	
LOANS.....	4.0	10.0	4.0	
GRANTS.....	1.5	1.0	1.0	

OTHER US LOANS.....	0.0	1.9	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	1.9	0.0	

ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	1946-85

TOTAL.....	217.6	200.2	248.9	2875.8
IBRD	143.1	70.0	89.3	1747.8
IFC	11.5	1.0	0.0	21.2
IDA	0.0	0.0	0.0	0.0
IOB	0.0	0.0	0.0	0.0
ADB	61.7	123.3	159.1	1049.6
AFDB	0.0	0.0	0.0	0.0
UNDP	1.3	0.9	0.0	44.0
OTHER-UN	0.0	0.0	0.0	13.2
EEC	0.0	0.0	0.0	0.0

MONGOLIA*

The Mongolian People's Republic is a rigidly controlled Communist state. Only the Mongolian Communist party, the Mongolian People's Revolutionary Party (MPRP), is permitted to function. The leadership of the country is vested in a 10-person Politburo of the MPRP Central Committee headed by Jambyn Batmonh. Nominally, the People's Great Hural, or National Assembly, enacts the basic laws of the country. It meets for 3 days once each year. Between sessions, the Council of Ministers (Cabinet), appointed by the Hural, issues current legislation.

The Soviet Union dominates Mongolia politically and economically. The Mongolian State is modeled on the Soviet system, and MPRP Leaders travel often to Moscow for consultations. The Soviets guarantee their influence by stationing approximately five combat divisions on Mongolian soil. As in the political arena, Mongolian economic life is shaped by the Soviet bloc: 95 percent of Mongolia's foreign trade is conducted with the Soviet Union and Eastern Europe. Soviet involvement in the Mongolian economy is largely exploitative, particularly in the area of mining and mineral exporting. The Mongolian economy remains heavily agricultural, with an emphasis on live animals and animal products.

Little information is available concerning government control or treatment of Mongolian citizens. There are no known domestic opposition groups, and emigre groups are small. Much of what information is available comes from the Mongolian regime. The few resident diplomats and occasional visitors to Mongolia are mainly limited to the capital city (Ulaanbaatar). Travel to other parts of the country is restricted.

It is known, however, that Mongolian life and society are highly regimented. Few Mongolians are authorized to travel outside the Soviet bloc countries. Political opposition to the ruling Communist party is not permitted. Freedoms guaranteed to the individual under the Mongolian Constitution, including speech, demonstration, and assembly, can be exercised only to "strengthen the socialist state system." In effect, individual civil and political liberties do not exist, and this situation is unlikely to change in the foreseeable future.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There is no information available concerning political killing by the Government.

b. Disappearance

There is no reliable information available concerning disappearance in Mongolia. High government officials

*The United States has never recognized nor has it had diplomatic relations with the Mongolian People's Republic. The absence of normal channels of intercourse makes it more difficult to comment authoritatively on conditions in that country.

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occasionally disappear from public view, and no information is released concerning their subsequent fate.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

No information is available concerning this subject.

d. Arbitrary Arrest, Detention, or Exile

There is no information available on this question.

Information is also unavailable as to whether forced or compulsory labor is prohibited or practiced.

e. Denial of Fair Public Trial

Current civil and criminal codes stipulate the right of the accused to judicial process, a legal defense, and public trial "except as stipulated by law." Closed proceedings are permitted in the case of crimes against the State. As the civil code places a heavy emphasis on this category of crimes, and because the MPRP controls all legal systems, those accused of such crimes are unlikely to receive a fair trial.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The right to privacy of person, home, and correspondence is guaranteed in the Constitution, but there is no information available concerning the application of these rights by Mongolian authorities. Travel, as well as job and residence changes, are decided in accordance with economic needs as determined by the State.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech but specifies that the exercise of individual rights must be to "strengthen the socialist state system." Actions which the party deems not to be in accord with this definition would likely result in arrest and detention. Criticism of the Government is not tolerated. Control is exercised through various government organizations, notably the People's Control Organization, which extends down to the neighborhood committee level. The press is state-owned and heavily restricted by the Government. It serves primarily as a propaganda tool. Non-Communist foreign media representatives generally are not allowed into the country. Academic and artistic life is also tightly controlled in accordance with government policy.

b. Freedom of Peaceful Assembly and Association

Freedom of demonstration and assembly are guaranteed by the Constitution, but in practice only government-authorized organizations may assemble, and the only demonstrations allowed are carefully orchestrated by government authorities.

The Constitution gives workers the right to organize professional and trade unions, but all are controlled and directed by the Government to promote its policies.

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While the Labor Law does not mention specifically collective bargaining, it does provide for settlement of labor grievances by "Commissions for Labor Disputes" formed by local trade union councils and people's courts, and composed of equal numbers of trade union council representatives and enterprise managers. There is no information on how this works in practice.

c. Freedom of Religion

Freedom of religion exists in theory, but the current regime strictly controls religious activity through an Office of Religious Affairs attached to the Council of Ministers. Religion no longer plays any significant part in the lives of most Mongolians. The Buddhist religion, which was a central force in Mongolian life prior to the establishment of the Communist Government, has been reduced to a few showcase monasteries and a handful of monks. They serve primarily as propagandists and as showpieces for tourists. Religious figures do not hold high positions in government.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Until recent years, few Mongolians traveled abroad, even to the Soviet Union. Foreign travel usually has been permitted only for official purposes, but government-sponsored education abroad has become increasingly common. As many as 40,000 Mongolian youth go to the Soviet Union yearly for short training programs. Almost all travel abroad remains restricted to Soviet bloc countries. No Mongolians are known to have requested repatriation to Mongolia. There is no known routine emigration from Mongolia.

All Mongolians over age 16 must have internal passports and must obtain permission from the Security Bureau in order to travel within the country. Attempts to change jobs or residences must be approved by both the Security Bureau and the People's Control Organization.

Although the 1978 Constitution guarantees the right "to reside in the territory of the MPR" to foreign citizens, Mongolian authorities in 1983 began a systematic expulsion of ethnic Chinese. Many of the between 6,000 and 7,000 ethnic Chinese in Mongolia were evidently offered a choice between resettlement in the barren northern part of the country or expulsion to China. The Mongolian authorities claimed the expellees had no formal occupation and/or did not abide by Mongolian law, despite the fact many of them had been living and working in Mongolia since the 1950's.

By late September 1983, over 2,000 Chinese had returned by train to the People's Republic of China. Many of the expellees were reported to have been stripped of their personal property by the Mongolian customs authorities before being allowed to cross the Chinese border.

The expulsions continued in 1984, though apparently at a reduced rate. Some estimates place the number of Chinese who left Mongolia in 1984 at approximately 1,000. If these estimates are correct, then nearly half of the Chinese population has been forced to leave the country by the authorities. The Government is reportedly now permitting Chinese to leave on a less onerous basis, without confiscation

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of their possessions, yet the authorities appear determined to expel or widely disperse the remaining Chinese.

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

The MPRP does not tolerate political groups outside of its control. It is established on the Soviet model, with a narrow pyramid of power topped by Party General Secretary Batmonh. Batmonh reached the top by replacing former leader Yumjaagiyn Tsendenbal at a Central Committee meeting called while Tsendenbal vacationed in the Soviet Union. Tsendenbal had been in power for 40 years. Both Soviet and Mongolian press reports stated that Tsendenbal relinquished power voluntarily. Nothing has been heard of him since August 1984, when the Government announced the shakeup.

Lower-ranking members of the MPRP have no real ability to influence the decisions of their superiors. Elections are held at regular intervals, but only one candidate is listed for each office, so the choice is to vote for him or cross his name out. Many elections result in a 99.9 percent turnout. Winning candidates regularly receive 99.9 percent of the vote. While there is no officially espoused policy of minority disenfranchisement, there is no evidence of religious persons occupying elite party or government positions, and only a few members of minorities do so.

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

Mongolia acceded to the United Nations Covenant on Civil and Political Rights in 1976. However, the Mongolian regime has consistently followed the Soviet human rights policy and practice, whether or not it is consistent with the Covenant. There have been no known opportunities for outside investigators to examine human rights practices. It is highly unlikely that Mongolian officials would permit such investigation by any outside authority or organization. There is no known organization dedicated to the protection of human rights in Mongolia. The Amnesty International 1985 Report does not contain an entry for Mongolia. Freedom House rated it "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

According to the World Bank, Mongolia's population of 1.9 million grew at a rate of 2.6 percent in 1985. Mongolian statistics state that 76 percent of the population is under 35 years of age. The Mongolians have patterned their economy on the Soviet model with resource allocation controlled rigidly by the central authorities. The majority of the population is still engaged in agriculture, primarily herding. Gross national product per capita in 1979, the latest year for which statistics are available, was \$780.00. There is no information available on inflation rates, unemployment, or underemployment.

World Bank and Mongolian Government statistics tend to confirm Mongolian claims of some improvement in the standard of living. Mongolian government figures indicate that there were 23.3 physicians per 10,000 population in 1983 and that the infant mortality rate had declined to 46.4 per 1,000 live

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births in 1985. Life expectancy at birth rose from 52 years in 1960 to 65.6 years in 1985. According to the World Bank, the percentage of calories available for consumption relative to nutritional needs reached 111 percent in 1982.

Despite the substantial rise in the Mongolian standard of living over the last 50 years, the country remains extremely backward. National economic growth is severely limited by an inefficient and overcentralized bureaucracy and a centrally-run economy subordinated to the Council for Mutual Economic Assistance, a Soviet-dominated organization. These combine with a lack of resources, extreme geographic isolation, and a severe climate to keep the quality of Mongolian life poor by international standards.

Education has been a high priority since the mid-1950's. According to Mongolian government statistics, the total number of students per 10,000 persons increased from 1,375 in 1960 to 2,723 in 1983. There appears to be little sex, racial, or religious discrimination in education. World Bank figures for 1982 show the adjusted primary school enrollment ratio for females as being almost the same as for males. The seventh 5-year plan (1981-85) continues to encourage the learning of the Russian language in the Mongolian educational system. The Government claims universal literacy.

The Mongolian Labor Law sets a minimum work age and maximum work hours for all workers, and exhorts state enterprises to observe work safety requirements. Children under 16 are not permitted to work, although 15-year-olds may work if allowed to by the local trade union committee. Those under 18 are prohibited from doing arduous work or to work in dangerous areas such as mining. The workday for adults is 8 hours; for those aged 16 to 18 it is 7 hours, and for those aged 15 it is 6 hours. Information on wage rates is not available.

Universal franchise and equal rights for women are official policy, and according to Mongolian government statistics, the proportion of women in the work force rose from 30 to 46 percent between 1960 and 1980. While few women occupy positions of responsibility in the Government or party, it is reported that they do hold high professional positions in institutions such as hospitals. The Mongolian Women's Committee is the only known organization devoted to women's interests. It is controlled by the MPRP, and its aims are unknown.

NEW ZEALAND

New Zealand's system of government is patterned on that of Great Britain. Executive authority is vested in a 20-member cabinet led by the Prime Minister, the leader of the political party or coalition of parties holding a majority of seats in Parliament. Of the 95 members of the unicameral legislature, 4 are elected from a separate roll to represent the minority population of native Maoris. Representatives to Parliament are elected for three-year terms. The judiciary consists of a Court of Appeals, Superior Court, and Magistrates' Court. New Zealand law is rooted in three primary sources: English common law; certain statutes of British parliamentary law enacted before 1947; and statutes of the New Zealand Parliament.

Of New Zealand's population of 3,271,000, native Maoris of Polynesian origin number 280,000 and 88,000 are Polynesians from other Pacific islands. The rights of the increasingly urbanized, disadvantaged, and activist Polynesian minority have been receiving increased public attention, and this has been institutionalized in the Ministry of Maori Affairs.

Real annual average economic growth has been low in recent years. However, the free-enterprise economy affords the opportunity for a reasonable standard of living for most New Zealanders.

In 1985 New Zealand continued its good record in the human rights field. New Zealanders continue to enjoy personal freedom, freedom of religion, freedom of the press, universal suffrage, and the rule of law. Respect for minority rights, concern for the economically deprived, and the humane treatment of prisoners are accepted principles. Education is freely available to all. Subsidies are provided to the unemployed and the economically deprived. The sick and handicapped have access to a socialized system of medical care. State-sponsored pension plans guarantee a continuing income to the elderly.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

Killing for political motives by the Government or by New Zealand political organizations does not occur.

b. Disappearance

There have been no incidents involving disappearance.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The rights of those arrested in New Zealand are protected by law and no such activities take place. Capital punishment is illegal. Prisoners are provided access to legal assistance and visits by family members. Food, facilities, and medical care are good. Prisoners are given the opportunity to work.

NEW ZEALAND

d. Arbitrary Arrest, Detention, or Exile

Freedom from arbitrary arrest, detention, and exile is guaranteed under New Zealand law and is respected in practice. New Zealand law provides for a writ of habeas corpus. Persons arrested in New Zealand are charged promptly. Access to counsel is prompt, and legal aid is provided by the court to those who cannot afford to pay for a private attorney. New Zealand does not permit preventive detention or the use of forced or compulsory labor.

e. Denial of Fair Public Trial

New Zealand law guarantees a prompt, public trial. The rights of the accused are scrupulously maintained and subject to public scrutiny. The judiciary operates independently of governmental influence.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The right to privacy is guaranteed under New Zealand law. The Government does not violate the privacy of the individual, the sanctity of the home, or the integrity of correspondence.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Freedom of speech and the press are guaranteed by New Zealand law and are respected in practice. There are 156 newspapers and 602 magazines published which cover the spectrum of political and social thought. The Government makes no attempt to censor the press, and opposition viewpoints are freely discussed.

b. Freedom of Peaceful Assembly and Association

There are no restrictions on peaceful assembly or association.

Independent labor unions, which in 1984 organized 46 percent of the work force, actively engage in recruiting members and in collective bargaining, and they have the right to strike. Public sector unions are, in some cases, precluded from engaging in strike action but generally only for reasons of public safety. Mediation and arbitration procedures are independent of government control. Unions have the freedom to maintain relations with international bodies and participate in bilateral exchanges. Upon the reintroduction of compulsory unionism in 1985, the New Zealand Employers' Federation lodged a complaint with the International Labor Organization (ILO) that compulsory unionism denies workers the right to freedom of association. To date, the ILO has taken no action on this complaint.

c. Freedom of Religion

New Zealand enjoys a long tradition of religious tolerance. There is no state religion, and all faiths are given equal treatment under the law.

NEW ZEALAND

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no controls upon citizens of New Zealand regarding internal movement or resettlement. Foreign travel is unrestricted and the right to return is guaranteed. Within the limits of the nation's resources, New Zealand accepts and resettles refugees. Asylum requests are handled in the same manner as refugee cases.

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

The New Zealand Government is genuinely elected by its people. The nation is a multiparty parliamentary state. Two major parties, Labour and National, dominate the political scene and have alternatively formed governments since the 1930's. Universal suffrage at 18 years of age and triennial elections provide the opportunity for citizens of New Zealand to change their government. The New Zealand Labour Party won the general election of July 1984 with 42 percent of the vote, ending a 9-year period of government by the National Party. There are other, smaller parties and groups which are, for the most part, devoted to limited and parochial issues, and are usually of little consequence in the national electoral process. There are no restrictions based upon race, sex, creed, or national origin which limit participation in the New Zealand political process. Women parliamentarians number 12. Both major political parties now have women presidents. Voting rates remain high, and participation in political groups is common. Opposition groups have every opportunity to voice their views.

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

In the absence of allegations of abuse of human rights in New Zealand, no international or nongovernmental bodies have conducted investigations. New Zealand's endorsement of the principles of human rights is adequately demonstrated by participation in local, national, and international bodies organized to protect human rights and prevent discrimination. Representative among these groups are governmental entities such as the New Zealand Human Rights Commission, the New Zealand Council for Civil Liberties, and private organizations such as the Citizens Association for Racial Equality, the New Zealand Chapter of the International Commission of Jurists, the Race Relations Conciliator, Amnesty International, and the National Organization of Women.

The Amnesty International 1985 Report does not include a section on New Zealand. Freedom House rates New Zealand "free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

New Zealand's population of 3,271,000 is growing at the rate of only 1 percent yearly. Although manufacturing is increasing, agriculture remains the backbone of the economy. The major portion of export earnings comes from meat, wool, and dairy products. Real annual average growth has been low in recent years and there is little prospect of any dramatic acceleration.

NEW ZEALAND

The free-enterprise economy affords a reasonable standard of living for most New Zealanders. Per capita income in 1984 was US\$6,619. However, according to the 1981 census, the median income level of the Maori population is significantly lower than the level for non-Maoris. The 1983 unemployment rate among non-Maoris was 6.4 percent; among Maoris it was close to 27 percent.

Life expectancy (1983) for men was 71 and for women 77. The overall infant mortality rate continues to decline and in 1985 was 10.40 per 1,000 live births. The adult literacy rate is 99 percent.

New Zealand enforces a 40-hour work week and a minimum 3 weeks of annual paid vacation for all employees, in addition to 11 paid public holidays. Children under age 16 cannot be employed without special government approval and must not work at all between 10 p.m. and 6 a.m. The hourly minimum wage is NZ\$4.25 (US\$2.20). Acceptable conditions of work are guaranteed both by national statute, such as the Machinery Act that requires secure fencing around most moving and dangerous parts of machines, and by safety, health, and welfare provisions included in collective agreements.

There is a growing sensitivity to the status of women and Maoris in New Zealand society. In 1985 the Labour Government established a Ministry of Women's Affairs and it also ratified the U.N. Convention for the Elimination of All Forms of Discrimination against Women. In addition, the Human Rights Commission (established in 1977 by the Human Rights Commission Act) continues to hear complaints about most forms of discrimination. The largest category of complaints concerns discrimination against women in employment.

Maoris lag significantly behind non-Maoris in many important respects. The Maoris have become a largely urbanized population, 90 percent now living in cities. The urban Maori population is predominantly young, marginally educated, and economically disadvantaged. Unemployment statistics indicate that most Maori have not yet moved into the socioeconomic mainstream. Despite the historical absence of overt discrimination, the noteworthy success of some Maori, and extensive intermarriage with Pakeha (Caucasians), the stresses of transferring from a rural, traditional society to an urban Western environment are evident in various social indicators. Concurrently, there has been a rise in Maori activism as well as development of some ethnic radicalism. One focus of activism is the Waitangi Tribunal amendment bill, currently awaiting legislative action. If passed, it would allow the Tribunal to investigate Maori grievances dating back to 1840 and would extend the jurisdiction and membership of the Tribunal. Maori activists believe that much of the land once owned by Maoris was taken from them unjustly and illegally by British immigrants, and that passage of the bill would help to resolve these grievances in their favor. While the Labour Government's long-term, structural economic reforms address the concerns of Maori only indirectly, their eventual success could significantly improve the socioeconomic status of Maoris.

PAPUA NEW GUINEA

Papua New Guinea covers half of the second largest island in the world plus additional major islands to the north and east, together constituting a large portion of the cultural area commonly referred to as Melanesia. It has a federal, parliamentary form of government with a unicameral legislature. Political legitimacy rests on popular will expressed by majority vote in accordance with a Constitution embodying extensive public consultation and Melanesian tradition, which accords prestige based on individual accomplishments rather than heredity. The military, police, and intelligence services are under civilian control. The courts are independent and vigorously protect individual rights. The two government transfers of power since independence in 1975 have been peaceful and in keeping with the Constitution.

The economic system has three parts: The traditional, rural, subsistence economy which supports about 80 percent of the population; the privately controlled money economy; and enterprises in which the Government has invested. The private sector produces most of the wealth and provides three-fourths of government revenues; most of the remainder is aid from Australia. Papua New Guinea has major mineral, timber, and hydroelectric resources only just beginning to be developed.

In 1985, despite growing pressures generated by rising crime, constitutional protection of individual rights continued to be maintained by the courts. In order to deal with the problem of crime, the Government imposed a state of emergency in June, the main feature of which was a curfew.

A special problem is presented by the around 10,000 people from Irian Jaya who have illegally crossed the border and who are now living in camps near it. The Government would like to repatriate these border crossers but it intends to deal with the problem in a humane way and on a case-by-case basis.

In 1985 as in previous years, no noteworthy human rights violations occurred in Papua New Guinea. The active measures taken to deal with the crime problem were implemented only after lively debate and strong public support and have not significantly compromised individual rights. A network of social and political institutions including vigorous parliamentary democracy, a concerned and growing legal profession, active churches, a lively free press, and an increasingly informed citizenry, are effective in maintaining human rights.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

Neither the Government nor any opposition group has resorted to political killing.

b. Disappearance

There have been no reports of politically motivated disappearances.

PAPUA NEW GUINEA

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution forbids torture and cruel or degrading treatment. The prison population is one of the highest in the region, due to the nation's unusually high crime rate. However, as a general rule, prisoners are treated fairly and humanely. The courts and Ombudsman Commission investigate the small number of complaints and intervene when abuses are discovered. Civil damages have been awarded and offending officials punished in such cases.

d. Arbitrary Arrest, Detention, or Exile

Politically motivated arrests do not occur in Papua New Guinea, and the courts vigorously enforce constitutional protections against arbitrary arrest or detention. Exile is not practiced. Warrants are required for arrests. Suspects have free access to a lawyer of their choice, and, in serious cases, counsel is provided at state expense. Suspects and their counsel are informed of charges and have the right to judicial review of detention. A reasonable bail is allowed, except when a judge rules that the risk of flight or further crime warrants detention.

The Constitution forbids slavery and slave trade in all forms including forced or compulsory labor, except when the latter is imposed as a condition of sentence after due process of law.

e. Denial of Fair Public Trial

The right to a fair, public trial is strictly observed. Defendants are represented by counsel. A high crime rate coupled with a shortage of funds, police, and judicial personnel have caused the time spent awaiting trial for serious offenses to increase in recent years. The right of habeas corpus, however, limits holding persons without trial to a maximum of six months. The courts are free from executive, political, or military interference. There are no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Sanctity of the home and family and privacy of correspondence are observed.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

An independent press, effective constitutional guarantees, and a functioning democratic political system combine to insure freedom of speech and press. State-owned radio gives significant coverage to statements of opposition politicians. Pornography is prohibited. Films are censored for suitability and classification based on sexual explicitness and degree of violence. Academic freedom is respected.

b. Freedom of Peaceful Assembly and Association

The right of association, to engage in collective bargaining, to join industrial organizations, and to seek employment is

PAPUA NEW GUINEA

legally guaranteed and protected by the Constitution and freely exercised. Although there is a legal requirement that a permit be obtained before a demonstration, no application has been denied recently.

Labor unions are protected by law and are active and important in the country's economic and political life. Over 50 trade unions exist, among which the most significant are the various public employees' associations, the two mineworkers' unions, and the dockworkers' union. The private sector unions are free to strike and do so regularly. Papua New Guinea is a member of the International Labor Organization and union executives often attend international councils. Employers' associations also flourish.

c. Freedom of Religion

Freedom of religion is guaranteed by law. There are no controls on the practice of religion and no religious discrimination. A wide variety of indigenous and Christian denominations flourish. Missionaries are allowed to work freely in the country.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement of Papua New Guinea citizens within or into and out of the country is not restricted by law. Naturalization is available to foreign residents who satisfy a residence requirement and are sponsored by a village; it can be revoked only for fraud.

Freedom of movement was temporarily curtailed by the curfew imposed in June 1985 to combat crime. The measure was based on the emergency provisions of the Constitution and has been exceedingly popular, but has, nevertheless, been challenged by legal specialists concerned about human rights. There have been some allegations of abuse of police power in connection with the heightened surveillance which accompanied the emergency, as well as considerable sentiment on the part of many citizens that the police should be tougher. Charges of abuse have been actively investigated.

The Prime Minister announced that the Government would propose laws to control migration of jobless individuals into Port Moresby and other urban areas. It is not clear whether this measure will in fact be implemented.

The Government has indicated continuing concern about the activities of the Irian Jaya Separatist movement, Organisasi Papua Merdeka (Free Papua Movement) or OPM. Adherents of OPM have in some cases used threats and intimidation to maintain control over the populations of border camps. On the other hand, OPM sympathizers have continued to argue that the Government of Papua New Guinea has a moral obligation to give permanent asylum to the border crossers and to support their cause against the Government of Indonesia.

Approximately 10,000 people from Irian Jaya, the neighboring province of Indonesia, who have illegally crossed the Papua New Guinea border, remain in 14 camps where they are maintained by the Government of Papua New Guinea and various aid organizations. Although repatriation of these border crossers is the Government's declared intention, it has also

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stated it will consider the effects of returning on a case-by-case basis and not forcibly repatriate any border crosser it judges to be a refugee. The Government has negotiated a number of guarantees and procedural safeguards with the Government of Indonesia aimed at insuring the safety and rights of border crossers before their return to Irian Jaya. Current policy is to return those who come for economic reasons; and to find settlement through the U.N. High Commissioner for Refugees (UNHCR) for those determined to be refugees.

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

Papua New Guinea has a unicameral legislature composed of representatives from 19 provinces and the national capital. None of the seven organized parties has an absolute parliamentary majority. Politics are marked by keen competition for elected offices and loose party structures. Parliamentarians can and occasionally do cross party lines during votes. Any citizen can run for Parliament, and several members are foreign born. Two peaceful changes of government have taken place since independence. The parliamentary elections since independence have resulted in substantial turnovers of members. An Ombudsman Commission monitors campaign contributions.

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

Although there have been no allegations by international or nongovernmental agencies of human rights violations in Papua New Guinea, local politicians and some private groups have criticized the Government for not doing more to improve the lot of illegal border crossers from Irian Jaya who live in the temporary camps near the border. The UNHCR has an office in Port Moresby that contributes toward the provision of minimal necessities for border crossers. No domestic human rights monitoring group exists, but several outside groups have been permitted to visit border camps and have reported on them. The Ombudsman Commission and the courts take legal action against abuses when discovered, and the press and concerned politicians have been quick to publicize alleged governmental shortcomings. The 1985 Amnesty International Report does not contain an entry for Papua New Guinea. Freedom House rates it as "free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Papua New Guinea has a population of 3,326,000, most of whom live at the subsistence level. Many authorities believe that the population growth is now considerably higher than the World Bank figures of 2.1 percent and may, in fact, be as high as 4 percent, thus fueling employment problems. Nevertheless, based on strong economic growth earlier, Papua New Guinea currently has a relatively high per capita gross national product (GNP) of US\$820.

Papua New Guinea has land and mineral resources but modern technology has only recently arrived. The economy is marked by vivid contrast between a high technology sector (minerals and forestry) which produces most of the wealth, a cash crop sector (coffee, palm oil, tea, cocoa and copra) which is

PAPUA NEW GUINEA

fairly evenly divided between smallholders and commercial planters, and a large subsistence sector much of which is economically stagnant. Lack of infrastructure--roads, ports, and electric power--is a constraint on economic growth. Communal ownership of land, which discourages individual investment and inhibits the Government's exercise of eminent domain, is another barrier to growth.

Buoyed by high prices for its major exports and continuing massive Australian aid, Papua New Guinea experienced strong economic growth during most of the 1970's. Social services, including health and education, spread rapidly into the vast interior and isolated island provinces alike. However with the decline of copper and gold prices, economic growth has stopped. This, together with an announced gradual cutback in Australian aid, has raised serious questions about the economic future which are being addressed in a new five-year plan.

Provision of basic services has continued to increase, and such indicators as infant mortality (90.6 per 1,000 births, life expectancy at birth (54.23 years in 1985), and literacy (32 percent) have continued to show improvement. In rural areas much of the population still lacks access to safe water. According to 1980 statistics, 30 percent of the urban population but only 19 percent of the rural population had access to safe water. However, in recent years governmental and aid programs have made safe water supply a development priority and safe water is now available in towns and most villages. Estimated caloric intake is still somewhat below requirements with the available caloric supply as a percentage of requirements only 92 percent. Cases of malnutrition in the more remote areas along the border and in parts of the highlands continue to be reported. About three-quarters of the rural population live below the absolute poverty level, according to 1979 statistics. School enrollment is up from 39 percent of primary school-age children in 1970 to 66 percent in 1982.

Population movement to the urban centers, particularly Port Moresby and Lae, in combination with a tradition of violence between the great number of different ethnic groups, has resulted in serious and growing social problems. While traditional tribal warfare in rural areas remains a concern, it has been overshadowed by urban, often ethnic-based crimes. The crime rate in Papua New Guinea is believed to be much higher than that in most developing countries. Enforcement of existing laws is plagued with difficulties both in the provinces and in Port Moresby. Police are overworked and underequipped; individuals refuse to testify against their clansmen, and conviction rates are low.

The recent emergency measures had some success in the Port Moresby area, perhaps in part because some criminals have moved back to provincial areas, but these measures are by nature temporary. Problems associated with in-migration from rural areas to urban areas will remain serious as long as the number of jobs is insufficient to meet the expectations of those attracted by the promise of modern sector wages. In short, the related problems of rural stagnation, unemployment, and crime are likely to remain serious for some time.

The Department of Labor is responsible for the enforcement of safety, health, and working conditions laws and regulations.

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It regularly conducts industrial visits. Working hour limitations, rest periods, holidays, leave, wages, and compensations are regulated by the Employment Act of 1978. Within the Act, minimum wages are established by the Minimum Wages Board. These vary by industry and types of work, and whether or not work is performed in an urban or rural area. Standard hours of work are regulated as well and, although variable for some occupations, may not exceed 42 hours per week in an urban area or 44 hours in a rural environment.

Children under the age of 11 may not be employed outside a family relationship. Children between the ages of 11 and 16 may only be employed with parental permission, a medical clearance, and a work permit from a labor office. Except in agriculture, such employment is very rare according to the Papua New Guinea Department of Labor.

Women have equal rights before the law and their status is gradually improving, but they still face difficulties. Wife-beating is said to be widespread, but it is rarely brought to the attention of the authorities. In urban areas, along with other violent crimes, rape is a problem of increasing severity. In the villages, women are protected by their kin, but attacks on women are a common feature of intertribal conflict. Against the background of traditional male dominance, the achievements of women in Papua New Guinea are significant. Some have become doctors, lawyers, and office directors. The Permanent Secretary for Labor and the head of the Education Commission are women. One woman, a former minister, is a member of the National Parliament and several hold seats in provincial assemblies.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: PAPUA NEW GUINEA

	1983	1984	1985
I.ECON. ASSIST.-TOTAL...	0.6	0.8	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.6	0.8	0.0
A.AID	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN \$-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF, EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.6	0.8	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.6	0.8	0.0
PEACE CORPS.....	0.6	0.8	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.1
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.0	0.1
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	0.6	0.8	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.6	0.8	0.1
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1983	1984	1985	1946-85
TOTAL.....	80.6	65.2	54.0	573.6
IBRD	45.1	49.3	9.7	204.1
IFC	0.0	0.0	0.0	7.6
IDA	3.0	0.0	0.0	113.2
IDB	0.0	0.0	0.0	0.0
ADB	24.0	15.0	44.3	221.4
AFDB	0.0	0.0	0.0	0.0
UNDP	0.0	0.9	0.0	15.3
OTHER-UN	0.6	0.0	0.0	2.1
EEC	7.9	0.0	0.0	14.9

THE PHILIPPINES

The Philippines has a presidential-parliamentary system of government headed by Ferdinand Marcos, President since 1965. Through his personal power, control of the ruling party, and use of emergency decree powers granted by the Constitution, President Marcos has dominated the political arena. The President is elected to a 6-year term and may succeed himself indefinitely. The Government includes a Prime Minister and a unicameral legislature, the National Assembly. National Assembly members are elected to 6-year terms not coinciding with the term of the President. Elections for President and Vice President are set for February 7, 1986.

The Filipino people have a longstanding attachment to democratic principles and institutions, fostered by the legacy of the American colonial period, which began in 1898. From independence in 1946 until 1972 the country was governed under its 1935 Constitution, patterned closely after the United States Constitution. In 1972, President Marcos declared martial law, citing anarchy, lawlessness, urban terrorism, and open rebellion by both Muslim separatists and the New People's Army (NPA), the military wing of the Communist Party (not Moscow-oriented) of the Philippines (CPP). Democratic institutions were suppressed under martial law. The 1935 Constitution was replaced by one ratified in 1973, in a series of controversial "Citizens Assemblies." In 1981, after new constitutional amendments had redefined the presidency, Marcos was reelected to a 6-year term. Although martial law formally ended in 1981, Marcos has continued to exercise broad, discretionary decree-making powers to limit criticism of the regime and opposition activities.

Two insurgent groups are active, the NPA and the Moro National Liberation Front (MNLF), a radical Muslim secessionist group. Both employ terrorist tactics. The NPA is under the direct control of the CPP, a Marxist-Leninist party committed to the establishment of a totalitarian Communist regime in the Philippines. The NPA has grown significantly in recent years and is believed by some observers to have as many as 16,000 full-time armed guerrillas, a similar number of part-time fighters, and a large political and logistic support structure. It operates to some degree in most provinces. In some areas it has gained considerable influence, exacting "taxes" and administering its own arbitrary brand of "law and order," including summary killings. The MNLF, active in the south, since 1972 has waged a secessionist struggle originating in inequities and misunderstandings dating from the Spanish era, including competition with Christians over land, past efforts by the Central Government to control and expand Christian settlements, and the desire of the Muslims to preserve cultural identity. The level of fighting in predominantly Muslim areas has diminished considerably in recent years. The Government has mounted political, military, and economic efforts against both insurgent groups. These efforts have been more successful against the MNLF than against the NPA.

The Philippines is a predominantly agricultural country with a growing industrial sector. It ranks economically in the lower middle range of developing countries. Its private sector is subject to both substantial state intervention and favoritism toward individual entrepreneurs with close ties to the Government and the Marcos family. The economy continued to experience considerable difficulty in 1985.

THE PHILIPPINES

In 1985 there continued to be serious human rights violations throughout the country, although there have been some positive developments as well. Among the latter are the Government's toleration of peaceful expressions of political dissent, including large public rallies and demonstrations, and the trend toward greater press freedom. Philippine newspapers now freely print even very harsh criticism of the Government. However, there were frequent reports, many of them well-founded, of human rights abuses, especially in the countryside, by government security forces. These included summary executions or "salvagings" of civilians; instances of torture; arbitrary arrests, detentions, unlawful searches and seizures; and disappearances. In 1985 the Communist-led insurgents stepped up significantly their use of terror, including summary executions, as a tactic in furtherance of their political objectives.

The accuracy of statistics on human rights abuses in the Philippines, which are collected only by the Government and by Task Force Detainees (TFD), is highly questionable. The TFD is a politically active, antigovernment, Catholic church-related group which investigates and compiles statistics only on alleged government violations of human rights. TFD does not document atrocities and murders committed by the NPA, a policy which reinforces reports that TFD has significant links to leftist elements. Also, TFD ascribes responsibility to the Government for some killings for which the motivation is unclear but probably not political.

Although the number of political detainees reportedly declined in 1985, there was an increase in alleged political killings, and in the number of disappearances. In December the verdict acquitting General Ver, the Chief of Staff of the Armed Forces, and his fellow military defendants, after an 8-month trial for the assassination of Benigno Aquino, was not viewed as credible by most Filipinos.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

As noted above, statistics on human rights violations, including political killings, are not reliable. Accurate assessment of violations committed in areas heavily influenced by the NPA is particularly difficult. Furthermore, because the use of violence for both personal and political purposes has been common historically, distinctions between common criminal activity, personal vendettas, unauthorized reprisals by individual military or constabulary units, and legitimate counterinsurgency operations are sometimes blurred. Government forces and insurgents are responsible for killings, as are common criminals, extremist religious sects, private security forces, and vigilante groups. Clashes between insurgents and government forces occur frequently and often result in fatalities.

Military engagements are but one facet of the use by the Communists of violence to further their political goals. The Communists wage an intense campaign for control of local government mechanisms, utilizing intimidation, kidnaping, and assassination directed against government and military

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officials, businessmen, clergy, teachers, and others who resist. The most obvious sign of Communist influence in any locality of the country is the assassination of local officials. Corrupt or disliked officials are often the first to be murdered. Opponents of the Communist efforts to establish political control, or anyone suspected of being informers for the government, are also in danger of being killed.

Government statistics allege that over 400 civilians were killed by the NPA from the beginning of 1985 to the end of August. Increasingly throughout 1985, there were verified reports of NPA intimidation and even killings of civilians who refused to pay "revolutionary" taxes. For example, in February, a 35-year old housewife was murdered in Davao City, reportedly for refusing to give a contribution to the NPA. In late August, the murder of an elementary school teacher in western Samar received wide coverage. He was stabbed to death by a female member of an insurgent band reportedly because of his outspoken anti-Communism. NPA political assassination teams ("sparrow units") reportedly killed numerous local government officials, policemen, and Philippine military in 1985. Their victims included the Governor of Surigao del Sur province, who was murdered in October. The Australian Government was forced to withdraw its consultants and aid to an integrated development program on Samar in mid-August after a series of NPA incidents and threats.

Numerous reports of summary executions or "salvagings" by government forces occurred throughout the Philippines during 1985. TFD alleged in September 1985 that a total of 238 salvagings had taken place throughout the Philippines by mid-year. (TFD alleged a total of 538 salvagings nationwide for 1984.) According to TFD reports, most of these killings were of farmers in areas of insurgent activity, although some killings did occur in urban settings. As stated above, TFD does not document atrocities and murders committed by NPA insurgents. Additionally, it has a tendency to categorize any murder by persons unknown as a political "salvaging."

Killings of civilians by auxiliary Civilian Home Defense Forces (CHDF) units and other paramilitary forces were numerous throughout 1985. These forces are heavily deployed in insurgency-affected areas, and sometimes operate independently of direct government or military control. The most notorious among them appear to be armed religious cults which operate mostly in Mindanao and other parts of the southern Philippines. Human rights organizations and the Catholic Bishops' Conference of the Philippines have called on the Government to reorganize the CHDF or to dismantle it outright. President Marcos announced in late October that the CHDF program would be overhauled to ensure better screening and training of CHDF personnel.

The Government reported in October that in 1985 it received 91 complaints of salvagings attributed to military personnel, CHDF units, and members of the National Police: It found ten to have no factual basis, 21 to be valid, and 60 were sent under investigation.

In April, an Italian missionary priest, Father Tullio Favali, was murdered in the town of Tulunan, North Cotabato, Mindanao, allegedly by members of a renegade paramilitary group. Public assertions were made in the wake of Father Favali's killing

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that this group, wanted on previous charges dating back to 1979 and suspected of cannibalistic acts, had been protected by the local military establishment. Nevertheless, at the personal order of President Marcos, the two principal suspects in the killing were eventually captured and are standing trial for the murder of Father Favali.

Another case involving the CHDF which attracted wide publicity was an alleged massacre on September 20 of antigovernment demonstrators in Escalante, Negros Occidental, in the Western Visayas region. Over 20 demonstrators were killed and upwards of 50 seriously wounded when CHDF elements reportedly fired indiscriminately into the ranks of the unarmed protestors. In mid-October Defense Minister Juan Ponce Enrile created a multisectoral factfinding board to inquire into the circumstances surrounding the Escalante killings.

Government officials state that mistakes have been made by security forces fighting in insurgency-affected areas. The Government has carried out investigations and stated that military personnel have been disciplined for abusive behavior. In fact, abusive personnel are seldom seriously punished. Only 5, of a total of 123 military and National Police personnel whom the Government as of October reported as having been charged before courts martial for abusing civilians, were convicted and sentenced.

As of October, according to government reports, a total of 1,153 military personnel had been given administrative disciplinary action, including reprimands, demotions, and discharges for abuse of authority. In late 1984 the Ministry of National Defense formed a social action committee to improve its responsiveness to complaints against military personnel of abuse. In addition, ten retraining centers, or disciplinary barracks, were established throughout the country to rehabilitate soldiers guilty of human rights violations.

For the third year in a row, the Government in May deployed in Metro Manila a controversial "secret marshal" corps of some 350 armed law enforcement officers. The marshals, renamed "special operations teams," or "crimebusters," were assigned to ride as plainclothesmen aboard Metro Manila public transit vehicles in an effort to curb a chronic problem of robberies and assaults on these vehicles. They had summary arrest powers, as well as authority to shoot to kill offenders who refused to submit to arrest. Marshals reportedly killed as many as 25 alleged criminals in May. As in previous years, the program was viewed positively by some Metro Manila residents. In other quarters, however, it drew sharp criticism as a violation of due process. Although the secret marshal program was not officially ended, its activities appeared to have come to a halt in early June.

b. Disappearance

TFD claimed 117 persons as having disappeared from January to June 1985. (TFD claimed a total of 150 disappearances for all of 1984.) The International Labor Organization (ILO) wrote to the Government about the disappearance of three labor leaders. (See also references to ILO communication in Section 2.b. and Section 4.) The Government maintains that its forces were not responsible for these disappearances. However, the Government as a frequent practice has held persons suspected of national security offenses incommunicado in order to

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complete interrogation before revealing their capture. On February 4, Tim Olivarez, a correspondent for a Manila daily and editor of a provincial newsweekly, disappeared shortly after publishing an expose on a smuggling syndicate which allegedly enjoyed protection by government and military officials. Both the acting Armed Forces Chief of Staff and President Marcos ordered full-scale investigations, resulting in the arrest in mid-November of nine persons, including the alleged head of the syndicate.

On July 11, Father Rudy Romano, a Redemptorist priest and political activist, was abducted in Cebu City. A witness appearing on behalf of the Redemptorist priest at an August Supreme Court habeas corpus hearing identified a military intelligence agent as among his abductors. Although the military has denied having abducted Father Romano, the acting Armed Forces Chief of Staff ordered the "technical arrest" of the agent identified by the eyewitness. As of late 1985, formal charges of kidnaping were reportedly being prepared against the agents and other military men, subsequently identified. Father Romano's fate remains unknown.

The Aquino assassination trial was tainted in many eyes by the disappearance of key eyewitnesses, including some whose testimony before the factfinding board in 1984 helped to establish the finding of a military conspiracy behind the crime. The common-law wife and two female acquaintances of the man whom the military alleges shot Aquino disappeared in early 1984 and were not located in 1985.

Hostage-taking for ransom has been a common practice by Filipino Muslim rebels of the MNLF. For example, an American and a German taken hostage by an MNLF group in November, 1984, on the island of Jolo, south of Mindanao, were held for more than a year and released only in early December. A Japanese citizen is still being held. There is some evidence as well that the NPA has engaged in abductions.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Although torture is prohibited under the Constitution, a number of persons arrested for alleged national security offenses have reportedly been tortured. TFD alleged that 383 instances of torture took place in the first half of 1985, as compared with 504 for all of 1984. The Ministry of National Defense admits that abuses occur. It also claims that some charges of torture are false and are used as a legal tactic by arrested subversives to gain release. Most complaints of torture or other abuse center on the period immediately after arrest, when suspects are reportedly detained in "safe houses." There are also reports that the NPA engages in torture, particularly against persons suspected of being informers for the government.

In areas of military activity against insurgents, there have been allegations of military abuse ranging from harassment and extortion to rape and murder. These reports have appeared in the press and have also come from numerous human rights organizations which support the widely-held belief that the Government is not doing enough to curb abuses and punish abusive military personnel. Although the Ministry of National Defense has investigated some reported abuses, it states that it frequently fails to find evidence, and few personnel receive serious punishment.

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Although physical punishment is not officially part of the Philippine penal system, prison conditions are often harsh, and reports of abuse frequent. While in confinement, national security detainees are usually allowed visits by family members, lawyers, and others, and are also permitted food supplements from outside sources. The use of prolonged solitary confinement for national security detainees appears to be uncommon and limited for the most part to persons whom the Government regards as key figures in the underground Communist movement. Persons held without bail pending completion of their trials for national security offenses are usually segregated from and have better accommodations than those held without bail for common crimes and those already convicted by the courts.

d. Arbitrary Arrest, Detention, or Exile

Arrested persons are generally charged promptly, although this is not always the case, particularly with regard to alleged "national security" offenders. Such persons are sometimes held incommunicado by military intelligence units for days or weeks before the Government presents charges or acknowledges that it is holding them.

The Government asserts that no one is arrested for his political beliefs, but that it arrests "public order violators" who commit specific criminal acts relating to the violent overthrow of the Government. Generally, such persons are charged with subversion and rebellion, possession of firearms and subversive documents, or, occasionally, with crimes such as arson and murder.

Arrests in national security cases are frequently made under "Preventive Detention Actions," (PDA's) which authorize arrests by Presidential Order without court warrant, and which allow persons to be held without bail until the President authorizes their release. The 1983 Presidential Decree which created the Preventive Detention Action system, however, provides for a yearly review of the case of each detainee or accused person held without bail. Despite this provision, President Marcos still retains the power to order anyone's detention for an indefinite period of time. The Supreme Court has ruled that PDA's issued by the President are constitutional.

TFD alleged that a total of 2,371 of what it terms "political arrests" took place in the first half of 1985, compared with 4,168 for all of 1984. This figure includes an unknown number of persons arrested for activities in support of the Communist insurgents. Many of those arrested in 1985 were picked up in mass arrests during rallies and demonstrations and were subsequently released. Two Presidential Decrees promulgated in 1985 eliminated capital punishment for crimes against national security and public order, making defendants accused of such crimes eligible for bail.

A grey area of legal uncertainty exists in cases where a civilian court authorizes the temporary release on bail of defendants held under a PDA. In some instances, as in the case of two Manila student leaders arrested in February, President Marcos has rescinded the PDA, thus allowing the civilian court's release order to prevail. In other instances, however, the military has refused court orders to release defendants where the President has not withdrawn the

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PDA against them. For example, the Supreme Court ordered the temporary release in May of three activist lawyers from Davao City because the PDA's issued against them were of questionable validity. The military refused to heed this order in the absence of a presidential directive to do so. The Supreme Court subsequently reversed itself and ruled that the lawyers' detention was legal after subversion charges were filed against them in Davao.

Habeas corpus is generally available, but remains suspended throughout the country for persons charged with subversion or rebellion and for those charged with any crime in the two regions in Mindanao where the MNLF rebellion is active. Defendants in subversion and rebellion cases or their relatives frequently petition the Supreme Court for habeas corpus. In some instances the Court has granted hearings and compelled the Government to present persons specified in petitions before it. In other cases, however, the Supreme Court has been slow to act on such petitions.

Two prominent opposition leaders, Jovito Salonga and Raul Daza, returned voluntarily from self-exile in the United States in 1985. Both have engaged freely in political activities since their return. Subversion charges against Salonga were dropped three days before his return in January. Daza continues to face a subversion charge dating from 1982 but is now free on bail and has been allowed to return to the United States. In July President Marcos lifted a PDA against Cebu City opposition leader Ribomapil Holganza following a bail release granted by the presiding judge in his subversion trial. In a related case, the Government in January filed rebellion charges against national opposition figure Aquilino Pimentel. Pimentel, who is free on bail, resumed his place in the National Assembly in November, when the Supreme Court overturned a decision by the Commission on Elections invalidating his 1984 election.

There is no evidence of the practice of compulsory or forced labor.

e. Denial of Fair Public Trial

Persons currently charged with crimes are legally presumed innocent until proven guilty and, if arrested after martial law was lifted in 1981, receive public trials in civilian courts.

The right to counsel is guaranteed by law and in general honored from the time a person is presented in court for the reading of charges. However, there have been instances in which defendants in subversion and rebellion cases have been held incommunicado without access to counsel for significant periods of time. Once their detention was acknowledged, these defendants were normally permitted visits by lawyers and family members.

If a defendant cannot afford counsel, the court will appoint a lawyer. Private and government legal assistance is available to indigents, and there are lawyers' organizations which provide assistance to alleged national security offenders. Because of case backlogs, a shortage of judges, and the practice of hearing cases concurrently, trials in civilian courts often take 2 to 3 years. Subversion and rebellion trials have frequently lasted longer. Trial by jury is not a

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part of Philippine jurisprudence. Questions of law and fact, including determinations of guilt or innocence, are all resolved by the presiding judge.

Latest available government figures (September 1985) showed 490 persons accused of national security offenses being held without bail. TFD, which compiles statistics on "political detainees," reported as of June that there were 556 "political prisoners," as compared with 851 at the end of 1984.

The Supreme Court continued to show some signs of assertiveness in sensitive areas. In late December 1984 the Court ruled that a 1982 raid by military authorities on the offices of We Forum, an opposition newspaper, was illegal and unconstitutional because the warrants upon which the raid was based were issued without probable cause. In February, the Supreme Court dismissed all outstanding subversion charges against former Senator Jovito Salonga when a prosecutor threatened to reopen his case after previously dropping the charges. The Court asserted that the original indictment against Salonga was filed with undue haste and was based on hearsay testimony.

There remains, however, widespread Philippine cynicism regarding the fairness and independence of the judiciary, and there is frequent criticism that political influence or bribery of individual judges plays a part in judicial decisions. In August, the Supreme Court ruled that previous testimony by armed forces Chief of Staff General Fabian Ver and seven other defendants could not be used against them at the Aquino assassination trial. General Ver and the other military defendants have since been acquitted and General Ver reinstated as Chief of Staff. The 8-month trial included intimidation, disappearances and recantations of prosecution witnesses, charges of judicial favoritism towards the accused, and a lack of prosecution vigor. At the acquittal in December, the Court reaffirmed the Government's contention that Aquino was murdered by a Communist hit man. That conclusion lacks credibility in the Philippines, inasmuch as it is inconsistent with the 1984 finding of an independent investigative board which implicated elements of the military in the assassination.

Charges in subversion and rebellion cases are often vague. There have been some cases with multiple defendants where conspiracy to overthrow the Government was alleged but little detail was provided in the charges. Members of the opposition have sometimes been linked to alleged conspiracies with subversive elements, and some have left the country to avoid lengthy trials, restriction of movement, or possible imprisonment. The line between national security offenses and common crimes is frequently blurred, and lengthy legal proceedings often result.

In practice there have been few convictions for subversion and rebellion. Trials, including those of better known defendants, tend to continue indefinitely. In many instances, defendants held under preventive detention regulations and charged with subversion are given "temporary release" while their trials continue. Others have been released outright after a few weeks or months.

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f. Arbitrary Interference with Privacy, Family, Home or Correspondence

The state intrudes little into the family life of most Filipinos. Parents are free to raise their children as they see fit. Religious practices are a personal matter, as is the decision to join a political party. The Constitution's Bill of Rights specifies that persons shall be secure in their homes and guarantees the privacy of communications and correspondence. These rights are generally respected by the authorities.

A search warrant may be issued by a judge upon a finding of probable cause. The President may also order a search. There have been allegations that the property of some persons accused of subversion or rebellion has sometimes been searched without a warrant, but in most instances the authorities obtain warrants before acting.

Reports persist that in some rural areas in Mindanao forcible resettlement continued throughout 1985, notwithstanding the 1982 government ban on the practice. According to the Government, higher levels of combat between government forces and Communist insurgents have led some people in scattered rural areas to relocate their homes of their own volition, often for limited periods, to avoid danger. There have been reports of such population movements from different parts of the country.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Constitutional guarantees of freedom of speech and press are abridged in practice. Media restrictions are usually political and economic in nature, rather than in the form of direct government censorship. Nevertheless, Philippine media now operate with a degree of freedom greater than at any time since the imposition of martial law in 1972. Overall, the Philippine print media are among the most free in the region.

Newspapers in the Philippines are generally divided into two categories: those considered "government-influenced" and those which assume an "oppositionist/independent" editorial line. Three of the country's largest nationally circulated newspapers are owned or controlled by relatives or close associates of the Marcos family. Direct criticism of the Marcos family in these papers is rare, but they do provide coverage, in news reporting, editorials, and in columns, which is occasionally critical of specific government policies and personalities. The progovernment papers have made it a practice since the 1983 Aquino assassination to provide regular coverage of opposition political activities. Outspoken antiestablishment commentary is a common feature of independent newspapers and magazines.

The Philippine public has access to several major international news publications even though these publications sometimes contain articles and editorials sharply critical of the Government. Foreign journalists regularly travel in the Philippines and file stories without hindrance. The Government announced in October a new policy permitting domestic and foreign reporters to cover operations of the Philippine military against the Communist insurgency. The new

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guidelines were intended to expand coverage as a means of informing the public of the actual dimensions of the insurgency problem.

The Government maintains a significant degree of influence over the electronic media, particularly television. Manila has one government-owned television station and four privately-owned stations controlled by persons with close links to the Marcos administration. They produce programs for distribution in Manila and other major cities. All television stations appear to accept government guidance on their editorial policy and often ignore or downplay opposition political activities. A group seeking to obtain a license to operate a Catholic lay television station reported that its application remained stalled throughout 1985.

Radio remains an especially important source of news and information in provincial areas. Ownership is dominated by government loyalists, although there are significant exceptions, such as Radio Veritas, a Catholic church-linked station which provides the only "independent" coverage of local and national issues.

Much attention was focused on the reported killings of 12 journalists in the first 9 months of 1985, bringing the total of newsmen killed to 22 since 1979. Human rights organizations allege government involvement in some of the attacks; the military blames the NPA for some of the deaths; and some of the killings apparently involved purely personal motives. In at least three instances in 1985, the murdered journalists had been actively pursuing stories on alleged corruption in Government or abuses by security forces.

Libel suits are frequently filed in the Philippines, sometimes as a pressure tactic against reporters, with varying degrees of success. A conviction for libel can result in up to 3 years' imprisonment. During the course of the Aquino murder trial, contempt of court charges were filed against two organs of the independent press for casting doubt on the impartiality and integrity of the court hearing the case. In one instance, the charges were quickly dropped; the other case is under court review.

b. Freedom of Peaceful Assembly and Association

A broad range of private professional, religious, social, charitable, and political organizations flourishes in the Philippines. The right of peaceful assembly is guaranteed by the Constitution, and this right was generally exercised freely by numerous groups protesting government policies or other issues in 1985. An estimated 100,000 persons joined rallies and marches throughout the Philippines on May 1, Labor Day, with upwards of 50,000 marchers participating in Manila alone. On August 21, 1985, about 70,000 persons were involved in two separate antigovernment demonstrations in Manila to commemorate the second anniversary of Benigno Aquino's death. Thousands of others marched in provincial towns and cities. Opposition rallies are frequently held on a nation-wide basis.

Permits from local authorities are required for outdoor demonstrations in public places. The Government usually complied with requests for rally permits, but some were denied on the grounds of alleged involvement by subversive elements. In some instances, local officials later agreed to issue the

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permits. Rallies and marches are often held without permits. Although the Government advocates a policy of "maximum tolerance" for handling street demonstrations, excessive force was used to disperse otherwise peaceful but permitless demonstrations in some towns and major cities. In addition to the Escalante shootings in September discussed in Section 1.a., police reportedly shot and killed 2 persons and wounded 14 others during a farmers' rally in Manila in October.

A variety of trade unions claim slightly more than 2 million workers out of a total labor force of 20 million. There are also about 2.7 million workers in the National Congress of Farmers Organizations. Union membership in the Philippines tends to be nominal, rather than being composed of active, dues-paying members. However, there are no government restrictions on the right to organize and to affiliate with federations, confederations, or international organizations, or on the right to strike, except for public servants and employees of certain government corporations. National labor organizations are affiliated to the International Confederation of Free Trade Unions (ICFTU), and to the Communist-dominated World Federation of Trade Unions (WFTU). The nation has 1,954 registered labor groups; none has been canceled or "deregistered" during the past 2 years. Union certification elections are generally considered to be fairly run.

Unions continue to negotiate collective bargaining agreements and to strike. In October, the Ministry of Labor and Employment (MOLE) reported 2,007 collective bargaining agreements covering 266,000 workers as "active."

Compulsory arbitration was exercised in 12 of 937 strike notice instances in 1984, and in 7 of 275 instances through August 1985. The incidence of strikes in the garment industry, in semi-conductor firms, and at export processing zones increased in 1985. Even some public sectors "exempted" from strikes have experienced stoppages. Although a penalty of 6 months' imprisonment for illegal acts by strikers exists, the Labor Ministry asserts that there have been no convictions. However, a Presidential Letter of Instruction was issued in 1985 allowing police to serve injunctions on the picket line in order to halt strikes which the Ministry has not authorized. The use of violence is endemic in the Philippines among management and labor. There have been numerous assassinations of labor leaders and trade union members. The military charges that some leftist labor leaders have engaged in assassination.

The Trade Union Congress of the Philippines (TUCP), established in 1975, claims 1.3 million non-agricultural workers and is the only officially recognized trade union umbrella organization in the country. As a result of this official status, TUCP officials are appointed as representatives of labor on tripartite boards such as the Social Security Commission and the National Council on Wages. Because of these links, the TUCP is often criticized by non-TUCP union leaders as being government controlled. However, the TUCP frequently criticizes the Government about poor wages and bad working conditions as well as on issues affecting trade union autonomy from government controls.

Most government-owned and controlled organizations (a different category from public servants), are unionized and

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negotiate collective bargaining agreements. Public service associations, such as public school teachers, cannot legally form recognized unions nor can they legally go on strike. Nonetheless, the Manila Public School Teachers Association struck several times during the past year. The Government is considering a bill to permit public sector employees to organize and bargain but with limitations on their right to strike.

The ILO has communicated with the Government to criticize aspects of the Filipino labor situation, including the requirement of approval by 30 percent of the work force before union recognition is granted; restrictions on the right to establish federations; compulsory arbitration in certain instances; a 1982 law banning strikes in industries that affect the national interest (including export-oriented ones in export processing zones); advance approval of strikes by two-thirds of union members; decrees threatening imprisonment of picketers propagandizing against the Government; and denial of the right to organize unions for teachers, public health personnel, and other public servants. The Government has replied in some detail to ILO criticisms; its reply appeared in the report of the Committee on the Application of Conventions and Recommendations. The ILO has noted that a review of labor legislation is under way and that a draft bill is before the National Assembly incorporating some of the provisions referred to by ILO supervisory bodies.

c. Freedom of Religion

There is no established state religion in the Philippines, and the right to practice one's religion is fully respected. Over 80 percent of the population is Roman Catholic. There are several Protestant and independent Christian groups, and a sizeable Muslim minority. In the Sulu Archipelago in the southwest portion of the country and in parts of Mindanao, Muslims comprise the majority. The Government is assisting efforts to preserve the Filipino Muslim identity and cultural heritage. It has established an institute to train Filipino, Muslim religious and legal leaders for positions in the Sharia court system, which is based on Muslim personal law. The Government also provides assistance to Islamic schools and centers and facilitates the travel of Muslim pilgrims to Mecca. Foreign clergymen and missionaries of various faiths normally perform their duties without difficulty.

Major political parties and groupings in the Philippines have members and leaders from different religions. Government service is open to all on a nondiscriminatory basis, and several senior civil and military officials belong to minority religious groups.

Throughout 1985, the hierarchy of the Philippine Catholic Church, including Jaime Cardinal Sin, the Roman Catholic Archbishop of Manila, continued to criticize the Government on various issues, human rights being prominent among them. Pastoral letters critical of the administration were read from pulpits in Catholic churches throughout the Philippines. Many Catholic priests and nuns are actively involved in calling public attention to cases of human rights abuses. Such criticism has at times evoked a negative reaction from high-level authorities, including the President, who claim that the Church has intruded in politics and violates the constitutional doctrine of separation of church and state.

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d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There is freedom to change one's place of residence and employment. Emigration is generally permitted, but former detainees on "temporary release" status need government permission to leave the country, as do persons subject to pending criminal (including national security related) charges. Thousands of Filipinos travel to the United States and elsewhere as temporary visitors each year. Many Filipinos are employed as overseas workers, particularly in the Middle East. Foreign travel for this purpose is encouraged by the Government.

A 1980 Presidential Decree provides that persons convicted of subversion, rebellion, or sedition shall forfeit their rights as citizens, whether such acts are committed inside or outside the country. The decree also provides that judgments may be rendered in absentia. No instance of enforcement of this decree is known.

At the end of October, there were 2,962 Indochinese in a first asylum camp in the Philippines. In addition to providing first asylum to "boat people," the Government, in cooperation with the United Nations High Commissioner for Refugees, operates a major refugee processing center in Bataan Province where refugees and displaced persons from camps in the Philippines and other Southeast Asian countries receive English language instruction, cultural orientation, and vocational training before being resettled elsewhere. There were 15,023 refugees and displaced persons in the processing center as of the end of October.

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

President Ferdinand Marcos, Chief Executive since 1965, wields preeminent power under the country's 1973 Constitution, which provides for a strong president in a presidential-parliamentary system. The President is elected by direct popular vote. President Marcos is currently serving a 6-year term to which he was elected in 1981. In view of questions raised during the year about the Government's mandate, President Marcos, with the concurrence of the opposition, called in November for a presidential election in early 1986, slightly more than 1 year earlier than had been scheduled.

In December, active campaigning began by both President Marcos, the candidate of the ruling KBL Party, and the opposition candidate, Corazon Aquino, widow of the murdered Benigno Aquino. Mrs. Aquino's candidacy was encouraged by broad popular support as indicated, for example, by a petition urging her to run reportedly signed by more than 1.2 million Filipinos. Her "unity ticket" with Vice Presidential candidate Salvador Laurel was created under the banner of his United Nationalist Democratic Organization. Marcos chose as his running mate National Assembly member and former Foreign Minister Arturo Tolentino.

The President possesses extraordinary powers to issue decrees which have the force of law unless overturned by the National Assembly. While described in the Constitution as being subject to exercise only in emergency situations or in

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instances where the National Assembly is unable to act promptly, these powers, in practice, frequently have been used by the President to legislate widely, particularly in the economic sphere. In combination with his constitutional authority, the President uses his control of the ruling KBL Party (New Society Movement) to dominate the political arena. Within the ruling party, issues are often discussed in caucus, and accommodation on key issues is sometimes reflected in the President's final decisions.

As a result of the 1984 elections to the National Assembly, members of various opposition parties and independents now hold about one-third of the seats in that body, as contrasted to the preceding 190-seat assembly, which had fewer than 10 active opposition members when its term ended in June 1984. The ruling KBL party, by force of numbers, still wields preeminent power in the legislature. This fact, together with the President's independent law-making powers, have made it impossible for opposition members to shape a legislative agenda of their own. Nevertheless, the Assembly was a forum for lively political debate and sharp criticism of the Government throughout 1985 and provided a new degree of public accountability and transparency to the system. Among the issues aired prominently in the Assembly was alleged improper foreign investments ("hidden wealth") of Philippine leaders, including President and Mrs. Marcos.

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

The Philippines is a signatory of all principal U.N. human rights and refugee conventions and is currently a member of the U.N. Human Rights Commission. Representatives of various international human rights groups visited the Philippines in 1985 and traveled throughout the country, meeting both Philippine government officials and private citizens involved in human rights matters.

In its communication with the Government noted in Section 2.b., the ILO also expressed concern about trials of labor leaders, the disappearance of three others, the seizure in August and September 1982 of union property, and restrictions on travel of labor leader Bonifacio Tupaz. (However, Mr. Tupaz traveled to New Delhi, Moscow, and Los Angeles in 1985.) The Government informed the ILO in January that the trials noted by the ILO had been postponed. The unionists involved are under a technical "house arrest" but have resumed normal activities.

Several Catholic and Protestant church groups are active in the human rights field. Task Force Detainees (TFD) of the Philippines was established in 1974 by the Association of Major Religious Superiors of the Catholic Church. Headquartered in Manila and with regional field offices, it investigates allegations only of government human rights abuses and publishes reports on its findings. A politically active organization, reportedly with ties to leftist elements, it is an outspoken critic of the Marcos Government and its human rights practices. TFD operates with relative freedom although a few of its members have been arrested on charges of subversion and rebellion.

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The Integrated Bar of the Philippines, a national organization to which all practicing lawyers must belong, has an active human rights committee which has investigated specific alleged abuses and issues reports. The Free Legal Assistance Group (FLAG), and the Movement of Attorneys for Brotherhood, Integrity and Nationalism, Inc. (MABINI) also assist detainees in preparing defenses against charges brought against them.

The Ministry of National Defense has a special committee for investigating reported human rights violations involving military personnel. The committee's influence has been limited, but its investigations have on occasion led to legal proceedings against servicemen for abusive behavior. The Ministry reported that it cooperates on human rights cases with civilian groups, including the Catholic Bishops' Conference of the Philippines and the National Council of Churches of the Philippines, as well as international organizations such as the International Committee of the Red Cross and Amnesty International.

In its 1985 Report, Amnesty International expressed concern about continuing reports of human rights violations by members of the armed forces and paramilitary units under their command and alleges that the Government rarely initiated impartial investigations into such alleged violations. Freedom House rates the Philippines "partly free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The Philippines, with a population of 56.8 million (mid-1985 estimate) and a population growth rate of 2.4 percent, is predominantly an agricultural country ranking in the lower middle range of developing countries.

The economy was seriously affected by the recent worldwide recession, and by domestic mismanagement, including government-created monopolies. This led to a financial crisis in the last quarter of 1983, precipitated by substantial capital flight and reduced credit availability following the Aquino assassination. In 1984, per capita gross national product (GNP) was estimated at \$603, a decline of 7 percent, and it is expected to decline again in 1985 by an estimated 5 to 7 percent. The poorest 60 percent of the population received 25 percent of total income in 1971 but only 21.4 percent 10 years later. The upper 10 percent moved from 37.1 percent of national income in 1972 to 42 percent in 1981. In May 1985, unemployment was about 14.7 percent nationally and 23.5 percent in Metro Manila. Real wages have fallen by 27 percent in the last 4 years, and an already difficult economic situation for workers is worsening. With much of the population under the age of 15 and a high population growth rate, the Philippines can expect a continued growth of job entrants in coming years.

In recent years the Government has emphasized rural development with programs aimed at increasing production of foodgrains, meat, poultry, and fish. The thrust of these programs has been dulled by excessive intervention in pricing and marketing, resulting in reduced incentives for agricultural producers. The Philippines has for several years been marginally self-sufficient in rice, the staple food, but some rice was imported in 1984 because of drought in 1983. Land reform in rice and corn holdings has contributed to security of tenure or lowered rents for some of the rural

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population, but significant land tenure problems still exist in several areas of the country. At present, agriculture provides employment for slightly over half the work force, and generates about one-quarter of the GNP. The Government has formulated a plan to promote export-oriented industries and agribusiness to spur economic growth, increase foreign exchange earnings, and provide employment. Traditionally, the Philippines has depended heavily on coconut products and other commodity exports that are subject to international price fluctuations. The Government has also facilitated overseas employment for Filipinos, with the largest number concentrated in the Middle East.

In 1985, life expectancy at birth was 65.4 years and infant mortality was 52.5 per 1,000 live births. It was estimated that about 50 percent of the population had access to safe drinking water, with 35 percent of residents in highly urbanized areas drawing their daily water needs from unsafe sources. In 1980, 41 percent of Filipinos in rural areas lived below a government-defined absolute poverty level, with 32 percent below that level in urban areas. It was estimated in 1980 that the ratio of calorie supply relative to nutritional requirements reached 118.1 percent for all Filipinos. However, there were frequent reports in 1985 of serious malnutrition in areas of the country heavily dependent on the depressed sugar-export sector.

Free education in the primary grades is available to all Filipinos. However recent government data indicate that of the children who begin primary school, only about 70 percent complete it. The adult literacy rate approaches 90 percent.

Children under 15 may not legally be employed except when working directly under the sole responsibility of parents or guardians. However, with parental assent and under the rules laid down by the Ministry of Labor and Employment (MOLE), apprentice programs are allowed for children 14 years and over. The Labor Code also places responsibility on the Minister of Labor for conditions of employment of all persons aged 15 to 18 but prohibits employment in hazardous occupations of those younger than 18. There are credible reports of many violations of these provisions of the Labor Code.

The 8-hour day, 48-hour week and a rest day after each 6 working days are mandated by law. With exceptions, women are prohibited from working between 10 p.m. and 6 a.m. The Labor Ministry plays a key role in the setting of legislated minimum daily wages rates. The minimum daily rate for nonagricultural workers in Metro Manila was \$57.08 per day as of November 1, 1984. Outside of Metro Manila the rate was \$56.00. In the agricultural sector, and for nonplantation workers, it is \$35.67. (The peso in December was valued at 18.6 to \$1.00.) The Ministry of Labor conducts inspections to ensure compliance with minimum wage standards and working conditions but admits that it faces a difficult task. It cites a study claiming that of the Manila "sweatshops" it surveyed half paid substandard wages. The Ministry concludes that the 8-hour day requirement is more apt to be respected but notes that firms in the Bataan export processing zone usually report considerable overtime. There are reports of compulsory overtime. All workplace laws apply equally to export zones. Inspections between January-October 1984 of 923 establishments

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revealed 1,980 violations of wage rules involving cost of living allowances, 13th-month payments, overtime, and related matters.

Philippine occupational health safety standards were codified in 1978. The Labor Ministry has stated that the number of inspections it can perform is still far too low. Of the 5,361 establishments inspected in January-October 1984, 707 (or 13.2 percent) had violations. Violations are most common in small nonunion shops according to a recent survey. The Ministry is trying to upgrade and increase its inspection corps as well as to disseminate more information through academic and other training programs and in the tripartite forums.

Women enjoy full voting privileges and have the right to own and inherit property. They are prominent in Philippine society and represented in large numbers in business and in professions such as law, medicine, education, and journalism. They are also active in politics, being well represented in both national and local governments and within the political opposition. There are 2 women members of the Cabinet and 10 in the current National Assembly, and numerous posts within the judicial and executive branches of the Government are held by women. As mentioned earlier, Corazon Aquino, widow of the murdered Benigno Aquino, is running against President Marcos in the scheduled February 7 presidential election. Imelda Marcos, wife of the President, holds the office of Minister of Human Settlements and exercises considerable influence. Women also occupy posts in local government as governors and mayors.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS, - MILLIONS OF DOLLARS)

COUNTRY: PHILIPPINES

	1983	1984	1985	

I.ECON. ASSIST.-TOTAL...	102.8	106.3	234.4	
LOANS.....	24.3	23.1	60.8	
GRANTS.....	78.5	83.2	173.6	
A.AID	86.8	84.3	182.9	
LOANS.....	24.3	23.1	20.8	
GRANTS.....	62.5	61.2	162.1	
(SEC.SUPP.ASSIST.)...	50.0	50.0	140.0	
B.FOOD FOR PEACE.....	10.7	17.1	51.5	
LOANS.....	0.0	0.0	40.0	
GRANTS.....	10.7	17.1	11.5	
TITLE I-TOTAL.....	0.0	0.0	40.0	
REPAY. IN \$-LOANS.....	0.0	0.0	40.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	10.7	17.1	11.5	
E.RELIEF.EC.DEV & WFP.	1.2	0.1	0.0	
VOL.RELIEF AGENCY.....	9.5	17.0	11.5	
C.OTHER ECON. ASSIST...	5.3	4.9	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	5.3	4.9	0.0	
PEACE CORPS.....	5.3	4.9	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II.MIL. ASSIST.-TOTAL...	51.4	51.5	42.2	
LOANS.....	50.0	50.0	15.0	
GRANTS.....	1.4	1.5	27.2	
A.MAP GRANTS.....	0.0	0.0	25.0	
B.CREDIT FINANCING...	50.0	50.0	15.0	
C.INTL MIL.ED.TRNG....	1.4	1.5	2.2	
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E.OTHER GRANTS.....	0.0	0.0	0.0	
III.TOTAL ECON. & MIL...	154.2	157.8	276.6	
LOANS.....	74.3	73.1	75.8	
GRANTS.....	79.9	84.7	200.8	

OTHER US LOANS.....	0.0	78.8	0.0	
EX-IM BANK LOANS.....	0.0	78.8	0.0	
ALL OTHER.....	0.0	0.0	0.0	

ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	1946-85

TOTAL.....	757.3	523.8	448.0	6883.2
IBRD.....	502.7	183.2	254.0	4308.8
IFC.....	5.6	0.0	48.1	218.1
IDA.....	0.0	0.0	0.0	122.2
IOB.....	0.0	0.0	0.0	0.0
ADB.....	235.2	337.8	145.9	2120.2
AFDB.....	0.0	0.0	0.0	0.0
UNDP.....	3.0	2.8	0.0	68.4
OTHER-UN.....	10.8	0.0	0.0	45.5
EEC.....	0.0	0.0	0.0	0.0

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Singapore has a parliamentary system under which the People's Action Party (PAP), headed by Prime Minister Lee Kuan Yew, has held power since independence in 1965. The PAP continues to dominate Parliament, holding all but 2 of the 79 seats. That the Government enjoys broad public support is indicated by the 62.9 percent share of the popular vote it received in the December 1984 general election. Public criticism of the Government flared somewhat during the 1984 election campaign, but lessened in 1985, with public concerns focused primarily on government management of the economy. The civil service is efficient and corruption is officially and actively discouraged.

Singapore was subject to acts of terrorism by members of the Communist Party of Malaya (CPM) through 1974. While there have been no terrorist incidents in recent years, the CPM considers Singapore within its sphere of operation. Government military and security agencies work to control and, if possible, to eliminate the threat of internal disturbances. They act within what most Singaporeans consider to be the bounds of acceptable legal conduct.

Singapore's strategic location and industrious population give it economic importance in Southeast Asia out of proportion to its small size. Following independence, the economy expanded rapidly, with foreign trade and shipping reaching record levels. In recent years industrialization has been rapid. However, 1985 saw a small downturn in the economy.

No significant changes in the human rights situation took place in 1985.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There were no known instances of politically-motivated killing in 1985.

b. Disappearance

There is no evidence that people were abducted, secretly arrested, or held in clandestine detention by official or quasi-official security forces, other elements of the Government, or opposition forces in 1985.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is prohibited by law under Sections 330 and 331 of the Penal Code. In past years individual instances of mistreatment by law enforcement personnel have been alleged by former detainees and by Amnesty International. The Government has acknowledged that its interrogation procedures employ psychological stress, as alleged by ex-detainees, but denies allegations of abuse or torture.

Prison conditions in Singapore are spartan. Singapore's eight prisons confine about 3,000 prisoners, with some 4,000 others held in drug rehabilitation centers. Political detainees are

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separated from other prisoners. Since 1981 the Government has stepped up efforts to rehabilitate prisoners serving sentences of one year or more. The prison welfare services program which had concentrated on young offenders and adult first-time offenders was extended in 1985 to include habitual offenders and drug abusers.

Singapore's Penal Code mandates minimum prison sentences varying from 6 months to 8 years and caning from 6 to 12 strokes for certain crimes including outrage of modesty, rape, theft, extortion, robbery, housebreaking, and vehicle theft.

d. Arbitrary Arrest, Detention, or Exile

Law enforcement authorities in Singapore follow established legal procedures for arrest or detention. Incommunicado detention does not occur. Arrest without a warrant and detention without charge for periods of 1 to 30 days are authorized under some specific provisions of the law. The Ministry of Home Affairs can issue an order under the Internal Security Act (ISA), a British measure used by Singapore extensively during the 1965-74 postindependence period when Communist-led disturbances and communal violence were widespread, or the Criminal Law (Temporary Provisions) Act to authorize a longer period of detention of a "suspected person." The Director of the Central Narcotics Bureau in cases of a positive urinalysis can commit suspected drug users to a six-month term in a drug rehabilitation center. Habeas corpus exists in the law, but in ISA cases the Government can extend detention indefinitely. In others, such as those involving the Criminal Law (Temporary Provisions) Act, which is used primarily to detain drug traffickers and members of secret societies, the Government can detain people for periods of up to one year. People who are detained are arrested openly. There is a functioning system of bail, and detainees are entitled to legal counsel.

The Misuse of Drugs Act allows Central Narcotics Bureau Officers and Customs Officials to arrest without warrant any person suspected of manufacturing, importing, exporting, possessing, consuming, or trafficking in controlled drugs. Such persons actually arrested are tried in court. A few individuals have maintained that they were not drug users and were improperly detained but, thus far, have failed to substantiate their allegations in court. The Government has maintained that adequate safeguards exist to prevent innocent persons being detained.

One person remains held in detention under terms of the ISA. More than 1,000 persons are held in indefinite detention under the Criminal Law (Temporary Provisions) Act, primarily for membership in Chinese triads (mafia-like secret societies) or for drug-trafficking offenses.

Singapore law prohibits the use of forced or compulsory labor.

e. Denial of Fair Public Trial

The right to a public trial is observed except for persons detained under the provisions of the ISA and the Criminal Law (Temporary Provisions) Act. The Government defends its policy of detention without trial in these cases on the ground that an open trial could result in the intimidation or death of witnesses and officials.

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The Criminal Procedures Code provides that a charge against a defendant must be read and explained to him as soon as it is framed by the magistrate. The accused has the right to be defended by an attorney (advocate). Individuals are tried by a magistrate or judge and do not have the right to trial by jury. Defendants may appeal their verdicts in most cases to higher courts. Singapore is a member of the British Commonwealth and allows for further appeal to the Judicial Committee of the Privy Council in London.

Judges are appointed by the President on the recommendation of the Prime Minister and the Cabinet. Four of the seven High Court judges hold what amount to contract appointments, most frequently for one year. Subordinate court judges (magistrates) and public prosecutors are civil servants and can be transferred by the Ministry of Law.

Citizens can take government agencies to court over such matters as compulsory land acquisitions and compensation. The Government has not lost a case involving a challenge to its major policies. Members of opposition political parties have been taken to court frequently, as have members of the PAP, including government ministers.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government acts arbitrarily through use of its wide discretionary powers when it believes that the security of the nation is threatened. Search warrants are required for intrusion into the home, in most cases. However, law enforcement officers may search a person, home, or property without a warrant if they have reasonable grounds to believe that it is necessary to do so. In most cases, the law does not require later judicial review of such action. Divisions of the Government's law enforcement agencies, including the Internal Security Division (ISD) and the Corrupt Practices Investigation Board (CPIB), have a wide network for gathering information.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Freedom of speech and press are circumscribed. The Government forbids statements which might arouse communal tensions among the various races (approximately 77 percent Chinese, 15 percent Malay, 6 percent Indian, and 2 percent other minorities).

Newspapers operate as independent companies but under close government supervision. While there is no direct censorship of the press, members of the press understand the restraints and guidelines within which they must operate. They did not significantly exceed these guidelines in 1985. In the past, editors and reporters have been reprimanded for articles criticizing the Government too strongly. Some press representatives believe that they may lose their jobs if they criticize the Government too severely. However, the press reports the opposition's views and has frequently published statements critical of the Government's proposals and policies.

The Government-owned Singapore Broadcasting Corporation (SBC) has a monopoly on domestic radio and television. SBC follows

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government guidelines on its news reporting and obeys censorship regulations on the programs which it broadcasts. The BBC World Service and Malaysian Radio and Television can be received uncensored in Singapore on local broadcast bands.

An official board of film censors approves motion pictures, television, and videotapes. Additional government bodies censor magazines, records, plays, and other media. The Government censors these items primarily to prevent the spread of materials which it feels will undermine the morals of young Singaporeans, advocate excessive permissiveness, or promote drug abuse. A wide range of international magazines and newspapers can be purchased uncensored in Singapore. The country is a regional publishing center for a growing number of international magazines and newspapers.

b. Freedom of Peaceful Assembly and Association

Assemblies of more than five people in a public place, including political rallies, are authorized only with permission from the police. In practice, the Government does not stop gatherings of groups of more than five people for social purposes.

In order to operate legally in Singapore, associations, societies, clubs, churches, and other organizations with more than 10 members must be registered with the Government under the Societies Act. Registration is denied to societies likely to be used for unlawful purposes or for purposes prejudicial to public peace, welfare, or good order. In the past, arrests have been made at gatherings of unregistered organizations, including some splinter religious groups which the Government viewed as inimical to the public interest.

Unions are legally allowed in Singapore. However, the Trades Union Act places restrictions on workers' rights. Unions are organized under an umbrella organization, the National Trades Union Congress (NTUC), which has a Deputy Prime Minister as its Secretary General and members of Parliament on the board of directors. The NTUC has about 191,000 members in a national work force of about 1.2 million. The NTUC's campaign to encourage the formation of house unions, criticized by traditionalists in the labor sector as a government effort to co-opt the union movement, abated markedly in 1985. A government proposal in 1985 to limit the role of the National Wages Council in establishing wage guidelines could significantly alter the environment for collective bargaining, providing unions a more direct role in negotiating wage agreements with management. Although workers have the legal right to strike, there have been no strikes in Singapore for over seven years. The NTUC remains a member of the International Confederation of Free Trade Unions (ICFTU) and Singapore continues its membership in the International Labor Organization (ILO).

c. Freedom of Religion

Freedom of religion is enshrined in the Constitution and in practice. A Presidential Council on Minority Rights exists to insure that legislation does not infringe on the rights of ethnic or religious minorities. There is no state religion, but the Government has provided financial assistance to some religious bodies to allow them to build and maintain places of worship. Missionaries are permitted to work and to publish religious texts in Singapore.

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All religious groups are subject to government scrutiny and must be legally registered. The Government restricts religious sects holding views it considers inimical to the common good by application of the Societies Act and has banned some splinter groups in the past from practicing their faiths in Singapore. There are no restrictions based on religious affiliation to membership in the ruling People's Action Party.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no limitations on freedom of movement within the country other than those under the ISA. The ISA allows the Minister for Home Affairs to suspend or revoke a detention order or impose restrictions on a person's activities, place of residence, and travel outside of Singapore. All Singapore residents over the age of 13 are required to register with the Government, receive and carry an identification card, and report changes of address within 14 days. An individual may be denied a passport at the Government's discretion, although in practice this applies only to persons convicted of serious crimes. Males approaching the age of 18 (when National Service is generally performed) must obtain an exit permit from the Ministry of Defense. Recipients of government-financed educational benefits are required to sign a bond obligation to serve the Government for a fixed period and may not emigrate without paying the balance of their bond.

The right of voluntary repatriation is extended to holders of Singaporean passports. However, several hundred ethnic Chinese who left Singapore for China during the politically difficult 1940's and 1950's have encountered obstacles to their return.

Refugees are granted first asylum for 90 days in Singapore only if they have a third-country guarantee of resettlement. As of October 1985, more than 25,000 Indochinese refugees had been brought into Singapore in asylum status.

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

Singapore is a self-described "socialist democracy," although private enterprise has been recognized as a major driving force contributing to the country's economic success. Seventy-seven of 79 members of the unicameral Parliament are members of the ruling People's Action Party (PAP), headed by Prime Minister Lee Kuan Yew. General elections in 1984, which netted the PAP its overwhelming majority in the Parliament, gave government candidates nearly two-thirds of the popular vote and served as a reliable barometer of public support for the Lee Government.

Non-Communist parties are legally free to organize, and there are approximately 20 registered political parties in Singapore. These parties are closely monitored by the Government, which justifies its actions on the grounds that Communists might participate in elections and candidates might make libelous statements. The successful prosecution of libel and defamation suits against opposition parties and candidates by members of the PAP bankrupted three opposition politicians from the Barisan Solialis Party in the mid-1970's. One of the two opposition MP's was convicted in September 1985 of financial irregularities as part of a long-running series of

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legal actions against the top two leaders of the Workers' Party. He has appealed the conviction and remains free to participate in political activity. The charges are sufficiently minor so that, whatever the outcome of the trial, his seat in Parliament is not in jeopardy.

Minorities are constitutionally guaranteed equal rights and actively participate in the political process.

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

There are no organizations in Singapore which actively and openly monitor human rights violations. Governmental bodies such as the Minority Rights Council monitor certain aspects of human rights in Singapore for domestic purposes. Representatives of Amnesty International and other human rights groups are not allowed to visit Singapore in an official capacity. The Amnesty International 1985 Report expressed concern about the powers of preventive detention exercised by the Government under the ISA. It also criticized the practice of caning, which Amnesty International opposes as being cruel, unusual, and degrading punishment. Freedom House rates Singapore "partly free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Singapore is an urban city-state with a strong and prosperous free enterprise economy. Singapore's population in 1985 stood at 2.55 million, with a growth rate of 1.1 percent. The success of the country's population control program is based on wide-ranging disincentives to having more than two children, including educational, tax, and medical benefits measures. Per capita gross national product reached \$6,852 in 1984--one of the highest in Asia after Japan, Brunei, and Nauru. Private ownership of property is a basic feature of Singapore's economy, although the Government has, and exercises, almost unlimited right to acquire land at 1973 prices for extensive development projects.

The standard of living is relatively high, but the real gross domestic product, which grew at a rate of nearly eight percent in 1984, is expected to show a negative growth rate in 1985. While the economic downturn has tempered somewhat the steadily rising level of expectations, Singapore's basic housing, educational, and nutritional standards remain high.

The infant mortality rate was 9.1 per 1,000 live births in 1985. Life expectancy at birth in 1985 was 72.7 years. In 1985 about three-quarters of the population was housed in well-designed, government-subsidized housing. The entire population has access to safe drinking water. Singapore had 11 government and 12 private hospitals in 1985. The quality of health care is very high in both private and government facilities, and the former are subsidized heavily by the Government. Education is not compulsory, but free primary education is provided for children of all Singapore citizens. Secondary and tertiary education is of high quality and provided at modest cost. The enrollment ratio for students aged 6-17 years was 83.9 percent in 1982. The literacy rate rose to 85 percent in 1983.

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Singapore enforces child labor laws which protect young people from exploitation and hazardous working conditions. Employment below the age of 12 is prohibited, as is employment of young people during the night. Relatively high wage rates and working conditions consistent with accepted international standards are features of the Singapore labor market which, despite the economic downturn, still provided jobs for some 50,000 foreign workers. The unemployment rate in late 1985 stood at 4.1 percent, and the Government has predicted that this will rise to between 5 and 6 percent in 1986. Singapore has no minimum wage legislation.

Singapore enforces comprehensive occupational safety and health laws. Enforcement procedures, coupled with the promotion of educational and training programs, have reduced the frequency rate of job-related accidents from 7.0 accidents per million man hours worked in the early 1970's to 4.7 during a comparable 3-year period in the 1980's. The severity rate of accidents has been reduced commensurately.

Women generally enjoy equal rights, primarily under the 1969 Women's Charter and the Constitution. Muslim women's rights are protected by the provisions of the 1957 Administration of Muslim Law, which permits Muslim women to apply for divorce and provides for women to hold and dispose of property. Women have voting rights and the right of equality of economic opportunity under the law.

There are few women in the top ranks of the civil service or business. As a result of the 1984 election, however, there are now three PAP female members of Parliament. In 1983 the median gross monthly income of female workers was 64 percent of that for male workers. A shortage of workers has led the Government to encourage women to work. Singaporean women do not have equal rights with men in the transmission of citizenship to their children. A Singapore woman married to a foreigner can not pass citizenship to children born outside the country, although a Singaporean man can. Additionally, the wife of a Singaporean male can receive permanent resident status and citizenship based on the marriage while the husband of a Singaporean woman can not.

Social, economic, and cultural facilities are available to all citizens regardless of race, religion, or sex. Disparities exist among the various races, although not as a result of government policies. For example, according to 1980 census data, 0.21 percent of Malays had a university education, while 1.8 percent of the Chinese and 2.44 percent of the Indians attained that level of education.

U.S. OVERSEAS - LOANS AND GRANTS - OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S. FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: SINGAPORE	1983	1984	1985
I. ECON. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A. AID.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
(SEC. SUPP. ASSIST.)...	0.0	0.0	0.0
B. FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN \$-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E. RELIEF. EC. DEV & WFP.	0.0	0.0	0.0
VOL. RELIEF AGENCY.....	0.0	0.0	0.0
C. OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II. MIL. ASSIST.-TOTAL...	0.1	0.1	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.1	0.1
A. MAP GRANTS.....	0.0	0.0	0.0
B. CREDIT FINANCING.....	0.0	0.0	0.0
C. INTL MIL. ED. TRNG.....	0.1	0.1	0.1
D. TRAN-EXCESS STOCK.....	0.0	0.0	0.0
E. OTHER GRANTS.....	0.0	0.0	0.0
III. TOTAL ECON. & MIL...	0.1	0.1	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.1	0.1
OTHER US LOANS.....	272.9	0.0	0.0
EX-IM BANK LOANS.....	272.9	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1983	1984	1985	1946-85
TOTAL.....	0.7	0.0	0.0	386.5
IBRD	0.0	0.0	0.0	179.4
IFC	0.0	0.0	0.0	0.0
IDA	0.0	0.0	0.0	0.0
IOB	0.0	0.0	0.0	0.0
AID	0.0	0.0	0.0	181.1
AFDB	0.0	0.0	0.0	0.0
UNDP	0.7	0.0	0.0	25.4
OTHER-UN	0.0	0.0	0.0	0.6
EEC	0.0	0.0	0.0	0.0

SOLOMON ISLANDS

Solomon Islands is a developing country composed of 6 large islands and numerous small ones stretching over 840 miles in the southern Pacific Ocean. It has a parliamentary system consisting of a single-chamber legislative assembly of 38 members. This system, adopted when the country became independent in 1978, accords well both with Solomon Islands' experience and with the Melanesian tradition of leadership based upon individual achievement and political consensus. Political legitimacy thus rests on free popular voting. The police are under civilian control; there are no other armed forces. The courts are independent and vigorously protect individual rights. Since independence, two parliamentary elections have been held and one additional change of government was accomplished by vote of Parliament.

Agricultural exports and external aid are the country's primary sources of foreign exchange. The Government recognizes the need for private enterprise for economic development. Its conservative fiscal and monetary policies support a healthy business climate. The country's main exports are timber, fish, copra, and palm oil.

Human rights in Solomon Islands are rigorously protected. No abuses were reported in 1985. Despite some traditional inertia, women's rights are improving.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

Political killing does not occur in Solomon Islands.

b. Disappearance

There are no reports of political disappearance in Solomon Islands.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is neither practiced nor condoned. All the basic protections of the integrity of the individual are guaranteed by the Constitution, implemented by the authorities, and defended by the courts and the Ombudsman for protection against possible excessive or unlawful treatment.

d. Arbitrary Arrest, Detention, or Exile

There is no evidence of politically motivated arrests. Exile is not practiced. Forced labor is forbidden, except as part of a sentence or court order.

e. Denial of Fair Public Trial

Accused persons are entitled to counsel. Provision is made for writs of habeas corpus under the law and coerced statements are illegal. Civil rights violations are punishable by fines and jail sentences.

SOLOMON ISLANDS

- f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The traditional culture which governs the daily lives of most Solomon Islanders provides strong protection against these types of abuses.

Section 2 Respect for Civil Rights, Including:

- a. Freedom of Speech and Press

Constitutional guarantees, an independent press, and a functioning democratic political system combine to insure freedom of speech and press. There are two private weekly newspapers, weekly and monthly national government newsletters, and one provincial government weekly. The state-owned radio gives significant coverage to statements of opposition politicians. In 1984, there had been several instances when foreign reporters were denied accreditation, most notably on the occasion of the Pope's visit. However, since the Government of Sir Peter Kenilorea came to power in late 1984, there have been no restrictions on foreign press activity.

- b. Freedom of Peaceful Assembly and Association

The right of association is constitutionally guaranteed and freely exercised. Demonstrators, however, must obtain a permit, which is usually granted. A recent exception was denial of a permit to demonstrate before the Pope during his visit in May 1984.

Unions have the right to engage in collective bargaining and in the private sector they have the right to strike. While civil servants are not supposed to strike, in September 1985 civil servants did so, effectively closing the ports and airport to protest alleged corruption in the Government Housing Committee. The strike ended when the Government dissolved the Committee.

The largest trade union, the Solomon Islands National Union of Workers, and other smaller unions freely organize workers. The plantation sector, however, is not widely unionized. Solomon Islands' unions have international ties with several organizations.

- c. Freedom of Religion

Freedom of religion is guaranteed by law; there are no controls on the practice of religion and no religious discrimination. Although Christianity is the dominant religion and has a wide variety of denominations, indigenous beliefs also flourish. Missionaries work without restrictions.

- d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no legal or administrative restrictions on the freedom of movement of Solomon Islands' citizens within or out of the country. Natural-born citizens may not be deprived of citizenship on any grounds.

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

Since independence, Solomon Islands has had two parliamentary elections and several elections for provincial and local councils. The second of the two parliamentary elections, held in November 1984, resulted in the orderly replacement of former Prime Minister Mamaloni by Sir Peter Kenilorea, who, in secret balloting by the Parliament, received 21 out of a possible 33 votes. Election results were contested in some constituencies and court decisions resulted in new polls in a few instances. The overall results have been widely accepted as fair. Citizens over 18 enjoy universal suffrage. Parliament has the power to form governments.

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

There have been no allegations by outside organizations of human rights violations in Solomon Islands nor any request for investigations. The Amnesty International 1985 Report does not contain an entry for Solomon Islands. Freedom House rates it as "free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The population of Solomon Islands in 1985 was 273,000 and growing at 3.5 percent per year. Both subsistence and market economies exist, with 9 out of 10 households being engaged to some extent in subsistence production, which accounts for 40 percent of gross domestic production. The economy depends heavily for its prosperity on international trade, exporting agricultural products while importing manufactured goods. Major fluctuations in world market prices can have a sharp impact on the economy. World prices for Solomon Islands exports rose precipitately in 1983-84 but subsided to lower levels in 1984-85. Per capita gross national product was US\$657 in 1982.

The infant mortality rate has declined to 38.8 per 1,000 live births; life expectancy at birth is 58 years (World Bank). According to 1980-1982 World Bank estimates, 27 percent of the rural population had safe water. (Government statistics published in 1984 indicate that 38 percent of the rural population and nearly all urban dwellers, or 58 percent of the entire population, now have access to safe water). For the same period World Bank estimates give the per capita supply of calories as 79 percent of requirements. There appears to be an adequate supply of food. Health, education, and other social services are rudimentary but available on a nondiscriminatory basis. According to government statistics, the adult literacy rate in 1980 was 60 percent.

Solomon Islands has comprehensive laws on workers' rights. Child labor is forbidden for children under the age of 12 except in the company of parents in light agricultural or domestic work. Children under 15 are barred from work in industry or on ships; those under 18 cannot work underground or in mines. The standard workweek is 45 hours and is limited to 6 days. Power to set minimum wages has been devolved to the provincial governments. In Honiara, the capital, the minimum wage is about 30 cents per hour. There are provisions for premium pay for overtime and holiday work. Both a strong

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labor movement and an independent judiciary ensure widespread enforcement of labor laws in major state and private enterprises. The extent to which the law is enforced in smaller establishments and in the subsistence sector is problematic. No information is available on occupational safety and health legislation.

Women have equal legal rights, but traditional culture has hampered their moving into leadership roles. There are no women in senior governmental positions or in Parliament but women are involved in politics and have run for national office. According to 1981 World Bank statistics, 61.5 percent of girls are enrolled in primary schools and 79.4 percent of boys (for an average of 71 percent).

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Thailand's government is a constitutional monarchy with a strong executive branch and a considerably weaker legislature composed of a 324-member elected Lower House and a 243-member appointed Senate. The elected house wields considerably less power than the government administrative organization and the military, which plays a strong and often dominant role in Thai political life. The monarchy exerts strong informal influence. The Prime Minister and his Cabinet are subject to votes of confidence, although they need not be popularly elected themselves. Free national elections for the Lower House were held in 1983, and the current Prime Minister, General (retired) Prem Tinsulanon, who has held office since February 1980, formed a four-party coalition government supported by roughly two-thirds of the Lower House. One of the parties was replaced when its leader was charged with participating in the failed military coup of September 9, 1985. Never colonized, Thailand traditionally has had self-government through an established administrative organization and laws based on majority consent.

Thailand's security apparatus operates within a constitutionally-mandated framework, but numerous police, civilian, and military agencies share responsibility, often with overlapping jurisdictions and ill-defined mandates. Reflecting the strong executive orientation of the Government, the security services have formidable powers. Although these powers are sometimes utilized in a heavy-handed or uneven way, human rights abuses attributable to the security services are not believed to be systematic and have been infrequent in recent years.

Communist insurgents, Muslim separatists, and mafia-type criminal gangs operate in rural areas and use terrorism to advance their respective aims. Communist strength has declined markedly in recent years due to several factors, including an amnesty program for defectors and financial assistance to help them reintegrate into society. The Government is also continuing efforts to integrate Thailand's Muslim community into the mainstream of national life. Sporadic low-level violence in southern Thailand in 1985 continued to call attention both to Communist and Muslim separatist activities in provinces along the Malaysian border.

Thailand is an emerging middle-income developing country with a free enterprise economic system in which individual interests and the right to hold private property are strongly protected. Thailand is one of the developing world's few net food exporters, and its industrial sector, after rapid expansion in recent years, now rivals agriculture in contributing to the gross domestic product.

During 1985 the human rights record remained consistent, without serious violations. Autonomous political parties, gatherings, and associations are allowed, and freedom from arbitrary detention or search is generally safeguarded, notwithstanding some infrequently enforced restrictive laws still on the books. Although it practices some self-censorship, the press is among the freest in Asia. Human rights activists in Thailand are able to bring issues to the attention of the Government and public and to lobby for corrective action.

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RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There were no 1985 reports of killings, including of summary executions in which official government involvement was alleged. Allegations of involvement by individual government officials were investigated. In rural areas, Communist insurgents and ethnic separatists have continued to use violence, including murder, to pursue their respective objectives. Their targets have included low-level Government officials, local entrepreneurs, and security officials.

In this and past years, the local press has noted the deaths of a number of journalists in rural areas. Such killings have diminished sharply in recent years, and local human rights activists regard the situation as distinctly improved. The human rights aspect of this problem is difficult to assess. Some of the murdered journalists had published articles on corruption or illegal activity, and very likely suffered for it. At the same time, however, some Thai journalists have only a nominal attachment to the profession, often becoming involved in extortion, blackmail, and similar activities which can lead to murder as a means of retaliation. Such murder is clearly criminal but it does not appear to represent political repression.

b. Disappearance

Communist insurgents and Muslim separatists have used terrorism as a political weapon, resulting in the disappearance of civilians and government officials. There have been allegations by human rights groups of cases of individual policemen in rural areas having killed habitual criminals, but no evidence to substantiate these allegations has been presented.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Allegations of torture by police have been made in the past by the Coordinating Group for Religion in Society (CGRS), a Thai human rights group, and by others. However, torture is not used as an instrument of government policy.

The Government has stated its opposition to the use of cruel, inhuman, or degrading punishment. The CGRS, in its periodic reports, cites alleged cases of brutality and mistreatment by police and military personnel, but with less frequency than in the past. According to human rights activists in Thailand, alleged abuses of authority relating to cruel and inhuman punishment or treatment and arbitrary arrest and imprisonment have declined steadily over the last several years.

Prison conditions in Thailand remain poor because of serious overcrowding, low government expenditures, limited staff, corruption, and use of harmful drugs by prisoners. Prisoners are subject to strict regulations including corporal punishment for infractions. Prison conditions vary with the prisoner's social status as well as with the nature of the offense. However, there is no systematic discrimination save

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that Westerners generally receive preferential treatment. The United States-Thailand prisoner exchange agreement negotiated in 1982 has not yet entered into force.

On August 4 and 5, 1985, violent demonstrations erupted at the Bang Kwang maximum security prison in Bangkok, as Thai prisoners protested failure of the Government to announce an allegedly promised amnesty. Overcrowding was also cited as a factor in the revolt. Security forces employed maximum force to restore order, resulting in seven Thai prisoners killed and an undetermined number wounded. None of the 140 foreign prisoners in Bang Kwang prison was involved in the demonstrations and none was killed or injured in the suppression operation. Security restrictions and discipline in all prisons have been increased as a result of the riots.

d. Arbitrary Arrest, Detention, or Exile

Thailand's criminal and civil codes follow Western European models, and the rights of suspects are similar to those in Western Europe. Arrest warrants are generally required, and specific charges must be brought within a limited time period against those detained.

A small number of Communist insurgents and Muslim separatists have been detained without trial under martial law provisions previously in force, but martial law powers allowing arbitrary arrest and imprisonment were significantly reduced in 1984. Otherwise, the only legal basis for arrest and detention without specific charges for long periods (up to 480 days) is the Anti-Communist Activities Act. According to local human rights groups, persons detained pursuant to this act have not been mistreated.

Summary exile is not practiced. A few Thai have elected to go abroad and remain there for political reasons. This includes one of the leaders of the failed September 1985 coup attempt which was responsible for several deaths.

No cases of the practice of compulsory or forced labor have been reported. Such labor is prohibited under Section 31 of the Constitution except in time of war, during a state of emergency or martial law, or to avert "imminent public calamity."

e. Denial of Fair Public Trial

The Constitution guarantees criminal defendants the presumption of innocence as well as access to courts or administrative bodies to seek redress. Suspects can be denied the right to legal counsel during the pretrial or investigative period of their cases but have access to a lawyer of their own choosing before trial. In recent cases with political overtones, such as the arrests in 1984 of persons suspected of violating the Anti-Communist Activities Act, the Government moved quickly to allow rapid access by legal counsel and visitors during the pretrial period of the case. There is a functioning bail system. The leaders of the September 1985 coup attempt thus far have been treated according to prescribed statutes and due process. There have been no summary punishments.

The Thai legal system reaches decisions on the basis of evidence presented by the parties to a judge rather than a

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jury. Criminal cases are heard on the basis of specific charges by a panel of judges. During the martial law period (October 1976 - August 1984) military courts had jurisdiction over cases involving internal and external national security, Thai relations with other nations, and offenses against the royal family and public peace. Military courts are now used solely in cases involving military personnel. All other cases, including those having mixed military and civilian participants, come under the jurisdiction of civilian courts. The alleged plotters of the 1985 coup attempt will be tried in civilian courts.

Persons tried in both the military and civilian courts enjoy a broad range of legal rights, including the right to counsel both in the trial and appellate stages. Although a civilian court decision can be appealed to a higher court, no such appeal process exists in the case of a military court verdict. Both court systems, however, allow for a royal pardon. Moreover, prisoners sometimes benefit from periodic royal amnesties, which take the form of commutation or abrogation of sentences. The courts are relatively independent of external pressures. There have been allegations, however, of both government and private influence being brought to bear on the courts and prosecutors in certain cases, often those involving narcotics.

There is no evidence of persons having been imprisoned solely for political beliefs in 1985.

A pilot government program to provide free legal advice to the poor continues in operation. Most free legal aid, however, comes from private organizations including the Lawyers' Association and the Women's Lawyers' Association.

The court and investigatory apparatus in the Bangkok area have been overtaxed in recent years. As a consequence, the time required for criminal trials has at times exceeded 3 years in the court of first instance. Defendants acquitted after such lengthy proceedings receive no compensation.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Thai society is generally an open one where membership in political organizations is voluntary, the police function is not abused for security or political purposes, and the unmonitored exchange of ideas is generally permitted, although those espousing leftist or Communist views would probably be subject to surveillance by the security forces. Thai law requires that police possess a search warrant prior to entering a home without the owner's consent. Depending on the nature of the offense, these warrants are issued either by the public prosecutor, the courts, commissioned police officers, district and military officers, or governors. There have been allegations that officers endorse warrants in advance and then allow their subordinate non-commissioned officials to apply them as needed. Sections of the Anti-Communist Activities Act allow officials involved in specifically designated "Communist suppression operations" to conduct searches without warrants, but these powers have been used sparingly.

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Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Constitution generally affirms the citizens' right to free speech and a free press, but there are laws which impose restrictions on these rights. The principal legal restrictions on these freedoms are statutory prohibitions against insulting or defaming the King, Queen, Heir Apparent or Regent (the offense of lese majeste), advocating a Communist system of government, or publishing materials which threaten national security. Publications deemed to violate Thailand's lese majeste laws are confiscated, while individuals thought to have violated these laws are subject to prosecution. No one was charged with lese majeste in Thailand during 1985. In addition, there are less formal prohibitions against criticism of religious institutions, ethnic groups, or the military.

Thai citizens enjoy substantial freedom of speech, and the Government permits criticism of its policies. International publications circulate freely in Thailand, as does a wide range of political and social commentary presented by the privately-owned Thai press. Technical publications and pamphlets, including those of academics, circulate freely, and present viewpoints ranging from the non-Communist left to the ultra-right. Foreign and domestic books are not censored, except in rare instances where publications are critical of the Royal Family or Thailand's monarchical institution.

Television and radio stations are licensed by the Government and operated by both government and private entities as commercial enterprises. Although in theory all television programs are subject to prior review by the Government's broadcast directing board, but this power is exercised rarely and in practice stations present a range of viewpoints. Radio stations are required to carry the government-produced newscast four times daily but are free to originate other news and commentary. Opinions critical of government positions have been broadcast but, in general, controversial issues are treated very cautiously if at all.

The press continues to operate under the restrictions imposed by the Press Law of 1941 and remnants of past martial law orders. These laws permit the Government to close newspapers and revoke the licenses of editors of newspapers which publish stories deemed to be libelous or contrary to national security interests. In 1985 a new press law remained under discussion in the Parliament. If finally approved, certain restrictions it allows would have uncertain repercussions for press freedom.

The Government's relations with the domestic media remain generally good. The Government infrequently uses its statutory power over the press, although awareness of this power contributes to self-censorship, which is a restraint on local press activities. In 1985, one national publication was closed but was allowed to publish under a different masthead for a few months and then reappear in its original form. As in similar cases which occurred in 1983 and 1984, the authorities judged a number of its articles to be inaccurate and detrimental to the public order, and hence contrary to national security interests. The journalistic community advocates full press freedom but has not regarded these closures as a threat to existing levels of press freedom.

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b. Freedom of Peaceful Assembly and Association

Organized labor, politicians, and various special interest groups hold meetings, seminars, and rallies without interference from the Government. In several provinces the last vestiges of martial law which could have been used to restrict assembly have been repealed. Private associations are supposed to register with the Ministry of Interior. In practice, however, withholding of registration has not been used to inhibit freedom of association.

Although organized labor was suppressed during the period 1977-79, the right of labor to organize has been unrestricted since then. A minimum of only ten persons can form a labor union. Labor unions exist in both the private and state enterprise sectors. Only about 10 percent of the labor force in non-agrarian occupations is unionized, but this low percentage stems from the newness and fragmentation of the labor movement in Thailand, and from the economic slowdown of the past few years. Labor unions in Thailand maintain unrestricted relations with recognized international labor bodies and with the Association of Southeast Asian Nations (ASEAN) Trade Union Congress. The same is true for relations with other national labor bodies, notably those from the United States, West Germany, Japan, and Israel.

The right to strike is recognized and unrestricted in private sector enterprises. State enterprise workers, however, do not have the right to strike. Many of them have struck on occasion anyway, often without penalty to the strikers. On the other hand, the Government has attempted to discourage labor demonstrations which have political connotations. A system of labor courts, to which unions elect one-third of the judges, serves as a frequently-used medium for dispute settlement.

Trade unions in the private sector have the right to bargain about working conditions and wages. In the state enterprise public sector, however, collective bargaining is restricted to bargaining about working conditions. In this sector, the right of the unions to bargain about wages was curtailed a few years ago by a Cabinet decision withdrawing the authority of state enterprise managers to agree to wage increases. This decision was made because of a perception that state enterprise wage levels were becoming higher than those of the civil service and higher than in many private sector enterprises.

c. Freedom of Religion

Freedom of religion is practiced throughout Thailand and is protected by law and custom of long standing. Theravada Buddhism, the de facto state religion, has had an abiding and profound influence on Thai culture and history, and the majority of Thai practice it. The King is required by the Constitution to profess the Buddhist faith and practice Buddhism. Nonetheless, Thailand is a secular society. State and church are clearly separate. There are no restrictions on religious ceremonies, the teaching of religion, or conversion from one religion to another. Missionaries, under government regulation, have been permitted to live and proselytize in Thailand for more than a century. Foreign clergy may preach freely. There is no legal or organized discrimination against or persecution of those affiliated with minority religions,

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such as Christianity or Islam. Religious publishing, regardless of faith, is freely allowed. Like private associations, religious institutions are registered by the Government. There is no decisive advantage to being Buddhist in Thailand, though most senior Thai officials and political leaders are at least nominally Buddhist. Muslims living in the four southern provinces, which have majority Muslim populations, have the right to have civil law cases decided by Muslim judges under Koranic law. Efforts are being made to preserve Muslim cultural and religious traditions, including the building of mosques with government funds.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Apart from long-standing restrictions on the travel of Chinese and Vietnamese aliens living in Thailand, including those who have lived in Thailand for a generation, the only limitations on travel are restrictions on entry into certain rural areas believed by the Government to be used as bases by Communist insurgents. The right of citizens to change their residence or workplace is unabridged. There are no government restrictions on foreign travel or emigration, except for government officials, but Thai women and children under age 14 must have their passport applications approved by the Department of Public Welfare. In addition, a recent 1985 statute requires that in connection with passport applications all women under age 36 sit through a series of interviews regarding their employment records and finances. This has been protested by some women's rights advocates according to the press. These provisions of law, designed to prevent the export of children for sale and women for purposes of prostitution, have proved difficult to enforce. The Government has rarely revoked citizenship.

Since 1975, almost 650,000 persons from Vietnam, Laos and Cambodia have fled to Thailand. Thai policy has generally been to allow U.N. assistance to them until such time as they can be repatriated or resettled in third countries. The Thai afford first asylum to bona fide Lao refugees arriving by land and to Vietnamese boat refugees and promote voluntary repatriation along with third country resettlement, particularly of the Khmer and Lao, who comprise 95 percent of Thailand's refugee population. In 1985 the refugee population on Thai territory was about 130,000. In addition, about 50,000 Vietnamese who arrived before 1954 remain in Thailand with limited rights, along with about 10,000 Chinese who were Kuomintang supporters and about 17,000 Karen hill tribe refugees from Burma.

With few exceptions, the Government has not granted long-term asylum to new arrivals from Cambodia since early 1980, but it has provided temporary safe haven to about 245,000 Cambodians at evacuation sites on the Thai side of the border. Thailand has assisted international voluntary agencies to provide food and medical care to Khmer in camps along the border. The Thai Government permitted these displaced Khmer to move temporarily into Thailand in the wake of attacks by forces of Vietnam and the Heng Samrin regime in Cambodia in 1984 and early 1985. Since early 1980, small groups of Khmer caught trying to move illegally from border camps into refugee camps inside Thailand have generally been returned by Thai authorities to the border region, though several thousand have managed to remain in the camps. There have been reports that would-be Lao refugees

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have been turned back to Laos by Thai officials. The Government has instituted a system of screening of Lao with the United Nations High Commissioner for Refugees (UNHCR) as observer and this has improved the fair treatment of these displaced persons. To date none of those screened out have been returned to Laos.

Vietnamese coming overland via Cambodia after April 1981 have had to remain at the border for lengthy periods until they were allowed to be considered for third country resettlement. About 4,000 overland Vietnamese refugees were on the border at the end of 1985.

The UNHCR and the major resettlement countries have supported the Thai policy of promoting voluntary repatriation. About 2,800 Lao have returned to their homeland under UNHCR supervision following successful bilateral Thai/Lao negotiations in September 1980. UNHCR negotiations with the Heng Samrin regime concerning the repatriation of Khmer refugees remain stalled. The Government of Vietnam has been unwilling to discuss repatriation of Vietnamese refugees in Thailand. Most Indochinese refugees are not willing to return to their home country.

Since 1979, nearly 67,500 Vietnamese refugees have arrived in Thailand after perilous journeys, often in small, unseaworthy boats, across international waters. Although less than in the peak years of 1979-81, the number of arrivals in 1985 showed no significant decrease from the previous two years.

As its contribution to alleviate the problem of criminal attacks by some fishermen against Vietnamese boat people, the Thai Government, with financial and technical assistance from the UNHCR and twelve donor nations, conducts sea, air, and land patrols, and law-enforcement activities designed to detect, deter, and punish crimes against these refugees. Up to now, such efforts have met with limited success. The Thai authorities apply the same asylum, relief, and resettlement policies to boat refugees as to all others.

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

Since the absolute monarchy ended in 1932, the Thai government traditionally has been a stable civilian administrative organization heavily influenced by the military, and often with a military officer as Prime Minister. Holding key military positions in important units in the immediate Bangkok area has been the most common avenue to the highest national leadership. Governments have often been extra-constitutionally changed by generally bloodless military coups d'etat. The government changes of 1973 and 1976, which occasioned violence in Bangkok, were exceptions.

Since 1978, as Thailand has become a more developed, complex society there has been an evolution toward more democratic changes, including free elections. A coup attempt by a small military group in 1985 which failed due to lack of public or general military support was a reminder, however, that constitutional processes are still shallowly rooted. Government decisions of which the military strongly disapprove are generally not taken. However, civilians hold all Cabinet posts in the Government, and Prime Minister Prem is supported by parties holding somewhat more than half the elected seats

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in the National Assembly. The 1983 national elections for the Lower House were open and free with four major and a dozen minor parties fielding candidates. As provided in the current (1978) Constitution, the largest non-government party became the formal opposition. Both it and the smaller opposition parties have regularly presented opposing views both within the National Assembly and through the mass media. The Thai National Assembly almost invariably has dissenting votes on legislation and on procedural decisions.

The overwhelming majority of adult Thai have the right to vote. Thai children of an alien father who wish to vote must, however, have lived in Thailand for ten years and completed the equivalent of a sixth grade education. The Government encourages voter turnout but does not use either direct or indirect pressure to compel voters to cast ballots. Actual voter turnout for both national and local elections generally exceeds fifty percent.

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

The Government has responded in the past to specific inquiries from Amnesty International and the International Commission of Jurists. The Government is generally willing to discuss human rights problems with both domestic and international human rights organizations. It permits human rights organizations of all kinds to visit Thailand, meet with appropriate government officials, and lobby for corrective action.

Local civil rights groups, active on a wide range of issues including prostitution and enforcement of labor laws, have generally devoted most of their efforts to identifying and correcting human rights violations. Thai human rights organizations have had significant success in recent years. They have, for example, successfully encouraged the Government to tighten the discipline of police and paramilitary forces fighting the Communist insurgency. More recently, these groups have brought pressure on the Government to alleviate widespread abuses in child labor practices.

In 1985 the Government did not harass individual human rights activists nor obstruct the investigations conducted by domestic groups interested in human rights.

Thailand has involved itself in international human rights efforts, in particular by taking a leading role in preparing Association of Southeast Asian Nations (ASEAN) resolutions on Cambodia, including human rights violations, which are considered annually by the United Nations. Thai representatives were among the founding members of the Regional Council on Human Rights in Asia, a forum for the exchange of human rights information established in February 1982. Thai members of the Asian Council helped draft a declaration on human rights to serve as the organization's statement of policy and goals.

In its 1985 Report, Amnesty International expressed concern that people were imprisoned for nonviolently expressing opinions deemed to be defamatory or insulting to members of the royal family. It also investigated the reasons for the detention without trial of more than 20 alleged members or supporters of the banned Communist Party. In addition, it expressed concern about what Amnesty International believes to

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be the use of the charge of lese majeste to imprison prisoners of conscience. Freedom House rates Thailand "partly free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

In 1985 the Thai population was 51.5 million, with a growth rate of 1.7 percent. Thailand has a free enterprise economic system with a large agricultural sector. In 1985 the industrial and service sectors were expanding more rapidly than the agricultural. Per capita gross domestic product, which had increased at an average rate of 4.3 percent from 1965 to 1984, is expected to show a decline to about 2.5 percent for 1985.

Overall, the health of the Thai population is excellent. While caloric intake, 103 percent of recommended requirements in 1982, is generally adequate for most Thai, even for those living in the poorest rural areas of the northeastern provinces, ignorance about proper diet has led to isolated incidents of malnutrition which the Thai are making efforts to eliminate. About 64 percent of the population has access to safe water. Life expectancy at birth was 63 years and the average infant mortality rate had dropped from 77 per 1000 in 1967 to 56.8 per 1000 in 1985. Average figures for infant mortality, however, obscure sharp differences between urban areas, where health care is very good, and rural areas, where health care standards are lower. For example, a recent study found infant mortality in rural areas to be half again as high as the average for the country as a whole.

The percentages of the population below the absolute poverty level also show the continued gap in quality of life between urban and rural sectors; 34 percent are below the level in rural areas compared with only 15 percent in urban centers.

Thailand has made steady progress in reducing illiteracy in recent years. The most current figures show a total adult literacy rate of 88 percent (92 percent male and 84 percent female).

Thailand's primary school (compulsory for grades 1-6) enrollment rate is 99.5 percent of primary school ages according to official figures (101.7 percent of males and 97.7 percent of females). Thailand has traditionally allocated a high percentage of central government expenditure (around 20 percent) to education.

Thai law prohibits the employment of children under age 12. Employment of children aged 12 to 15 is permitted for "light work." A recent study sponsored by the Government concludes that the laws governing child labor are inadequate by International Labor Organization (ILO) standards, poorly enforced, and that both children and adults work in substandard conditions. A major part of the problem is that the Thai labor protection law is vague, difficult to enforce, lacks severe punishment for offenders, and does not differentiate between adult and child workers. Although each year the press carries reports of employers tried and punished for violating the law, child labor abuse remains a chronic problem.

The labor movement is represented on a tripartite committee which makes an annual recommendation on minimum wage levels. In Bangkok and surrounding provinces, where most industry is

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located, the minimum wage is 70 baht (\$2.66) per day. This standard has been difficult to enforce, however, and many workers receive less than the minimum, especially in construction and the domestic non-export oriented sectors of the economy. Work conditions vary widely in Thailand. Medium and large factories, which produce most of Thailand's exported goods, work standard 8-hour shifts and have working conditions which are reasonable by international standards. Where there are deficiencies, including child labor abuse and inadequate provision for health and safety, they are confined to the more difficult-to-enforce sectors of small manufacturing enterprises which produce lower quality goods for the local market.

The status and role of women has improved steadily over the past several years. For the most part, women have equal legal rights in Thailand, with specific guarantees of property and divorce rights; and there are no allegations that these rights are denied. Women are not, however, permitted to participate fully in Buddhist religious institutions or to become monks. They are well represented in the labor force and becoming increasingly so in professional positions, particularly those in the commercial sector. In general, women are not legally barred from positions traditionally held by men, except for limitations on serving in the armed forces. In rural areas, sex stereotypes exist with respect to occupational and social roles. These barriers are being modified as mass communications bring modern role models to even the most remote communities. Women vote in numbers equal to men and participate fully in the political process. There are several female members of the national legislature. However, women are underrepresented in national politics and in high government positions.

Hill tribes and other ethnic minorities are not legally excluded from any of the benefits of society, but their isolation and poor land has kept their living standards lower. Language and cultural barriers work against the ethnic Malay Muslim minority in south Thailand, but there is no official policy of discrimination. To promote higher education for the Muslim minority, the Government has reserved a certain number of university seats exclusively for Muslim students and has committed extensive personnel and financial resources to improving education of Muslim youth to make them more competitive in the economic sector. Attention has also been given to the improvement of administration and development in the South. To help coordinate efforts to assist Thailand's Muslim community, the Government established in 1983 a national foundation for Muslim affairs staffed with representatives from various government agencies.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: THAILAND	1983	1984	1985	

I.ECON. ASSIST.-TOTAL...	28.7	41.9	38.6	
LOANS.....	7.0	18.1	12.5	
GRANTS.....	21.7	23.8	26.1	
A.AID	22.6	35.9	35.9	
LOANS.....	7.0	18.1	12.5	
GRANTS.....	15.6	17.8	23.4	
(SEC.SUPP.ASSIST.)...	5.8	9.1	8.0	
B.FOOD FOR PEACE.....	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
TITLE I-TOTAL.....	0.0	0.0	0.0	
REPAY. IN \$-LOANS.....	0.0	0.0	0.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	0.0	0.0	0.0	
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0	
VOL.RELIEF AGENCY.....	0.0	0.0	0.0	
C.OTHER ECON. ASSIST...	6.1	6.0	2.7	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	6.1	6.0	2.7	
PEACE CORPS.....	2.7	3.0	0.0	
NARCOTICS.....	3.4	3.0	2.7	
OTHER.....	0.0	0.0	0.0	
II.MIL. ASSIST.-TOTAL...	96.2	101.2	102.3	
LOANS.....	76.0	94.0	95.0	
GRANTS.....	20.2	7.2	7.3	
A.MAP GRANTS.....	18.5	5.0	5.0	
B.CREDIT FINANCING....	76.0	94.0	95.0	
C.INTL MIL.ED.TRNG....	1.7	2.2	2.3	
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E.OTHER GRANTS.....	0.0	0.0	0.0	
III.TOTAL ECON. & MIL...	124.9	143.1	140.9	
LOANS.....	83.0	112.1	107.5	
GRANTS.....	41.9	31.0	33.4	

OTHER US LOANS.....	0.0	16.3	0.0	
EX-IM BANK LOANS.....	0.0	16.3	0.0	
ALL OTHER.....	0.0	0.0	0.0	

ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	1946-85

TOTAL.....	671.1	290.4	477.2	5779.3
IBRD	393.1	152.6	112.5	3582.0
IFC	62.8	57.7	0.6	232.3
IDA	0.0	0.0	0.0	125.1
IOB	0.0	0.0	0.0	0.0
AOB	210.6	75.0	364.1	1719.8
AFDB	0.0	0.0	0.0	0.0
UNOP	4.6	1.6	0.0	70.8
OTHER-UN	0.0	3.5	0.0	49.3
EEC	0.0	0.0	0.0	0.0

VANUATU

Vanuatu is a Southwest Pacific island nation which became independent in 1980 following more than 70 years of joint British-French rule. It has a parliamentary system of government. Independence was accompanied by temporary political turbulence, including an attempt at secession, which left a legacy of suspicion of outside interference. However, most of the internal strains from the 1980 secessionist rebellion have subsided.

Political legitimacy in Vanuatu is based on majority rule, supported by both Melanesian and Western tradition. The first general election since independence, held in November 1983, was vigorously contested and democratically conducted. The courts are independent and solicitous of individual rights. The police and military are under civilian control.

The Vanuatu economy resembles that of other Pacific island states in its dependence on international trade and its vulnerability to shifts in world market prices. Tourism earns more foreign exchange than all exports combined. Vanuatu has gained some revenue as a tax haven. Until recently, attempts to attract foreign investment have been hampered by uncertainty over land rights. A land law was enacted in 1983 in an effort to resolve this problem.

The favorable human rights situation in Vanuatu remained unchanged in 1985.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

Due process is strictly observed. Neither the Government nor any organized group resorts to political violence.

b. Disappearance

There have been no reports of politically motivated disappearances.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Constitutional guarantees against torture and cruel, inhuman, or degrading treatment are complied with in practice and enforced by the courts. Prisoners also have recourse to an Ombudsman.

d. Arbitrary Arrest, Detention, or Exile

There are no politically motivated arrests in Vanuatu. Arrest is by warrant. There is no exile. Suspects have free access to a lawyer of their choice. The constitutional guarantee that suspects will be informed of charges and given a speedy hearing before a judge is observed. The use of forced or compulsory labor is not permitted and there have been no reports of either practice.

VANUATU

e. Denial of Fair Public Trial

The courts uphold constitutional provisions for a fair public trial, presumption of innocence until proof of guilt, prohibition against double jeopardy, the right of habeas corpus, and appeal to the Supreme Court.

The courts are independent of military or executive interference. There were no reports in 1985 of arbitrary or unfair exercise of judicial authority.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Sanctity of the home and family and privacy of correspondence are observed.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Freedom of expression is guaranteed by the Constitution. The Government, however, publishes and controls the country's only national newspaper and manages the national radio station. There is no independent television or commercial radio.

b. Freedom of Peaceful Assembly and Association

There are no restrictions on the formation of political parties or trade unions in Vanuatu. There are two main political parties and a relatively new smaller party. To an extent unusual among Pacific Island states, the ruling Vanua'atu party is the primary policy-making body, whose decisions are then implemented by the Government.

Vanuatu has a small but active trade union movement with the right to organize, strike, and bargain collectively. As of 1984, there were 21 registered trade unions and 6 employer associations. In February 1984, a labor council, called the Vanuatu Trade Union Congress, was formed and became a member of the International Confederation of Free Trade Unions.

c. Freedom of Religion

Freedom of religion is protected by law and respected in practice. Missionaries of various Christian denominations work without restriction.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

All Vanuatu citizens are free to travel domestically and abroad. There are no bars to returning home from abroad.

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

Vanuatu is a multiparty democracy. Numerous candidates competed in the parliamentary elections in 1983; both the campaign and voting were considered by outside observers to have been fair. Elections to provincial and local councils have also been contested and fair.

VANUATU

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

The Government has publicly expressed willingness to permit investigation by qualified and objective outside observers. There were no charges of human rights violations in 1985. The 1985 Amnesty International Report does not have an entry for Vanuatu. Freedom House rates it "partly free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The population was estimated to be 132,000 in 1985 and the growth rate 3.2 percent. Per capita gross national product (GNP) was \$801 in 1982. Buoyed by tourism, which has expanded steadily since independence, the economy weathered the recent international recession with few problems. Communal land ownership by clans was thought to be a hindrance to economic development but a system of land leasing has been implemented in an attempt to ameliorate that problem.

Government services are provided without discrimination. According to 1985 statistics, infant mortality was 78.2 per 1,000 live births and life expectancy at birth was 55.61 years. For the period 1980-1982, the calorie supply was estimated by the World Bank as being 98 percent of requirements. The Bank estimated that in 1980 around 55 percent of the population had access to safe water (65 percent in urban areas). According to government statistics for 1979, 37.3 percent of the population was literate. The primary school enrollment ratio for 1981 was 108 percent.

In 1985 a minimum wage law was adopted. There is also legislation regulating conditions of work, including hours, and with provisions concerning child labor. No information is available on occupational safety and health legislation.

Women have equal rights under the law, but traditional culture has hampered them from moving into leadership roles. The only female candidate for Parliament in the 1983 election was defeated by a small margin. However, several women hold senior positions in the Government.

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The Socialist Republic of Vietnam is a dictatorship controlled by the Vietnamese Communist Party. The Communist Party took power in the north after a long war against France and non-Communist Vietnamese nationalists, culminating in the 1954 partition of the country. The current elderly leadership is essentially the group which fought the war of independence and subsequently through force of arms took over the southern Republic of Vietnam in 1975, thereby placing the entire country under its political control.

Hanoi has formally denied the normal rights of Vietnamese citizens as well as working papers and ration coupons to many of its citizens deemed politically unacceptable; many former "reeducation camp" inmates and others without official jobs are forced to live precariously in an underground economy. Many in the South depend for their survival on aid from relatives abroad. The Government has continued the trend of closely watching, and in some cases repressing, religious groups. The regime has not accepted the American offer to accept political prisoners in "reeducation camps" for resettlement in the United States. Its security organs continued to crush any hint of opposition to the regime.

Vietnam's continuing occupation of Cambodia contributes to major human rights abuses there and diverts resources from reconstruction in Vietnam. Violations of human rights in Cambodia by Vietnam's client, the puppet government of the so-called People's Republic of Kampuchea (PRK), have included executions, forced labor, denial of legal process, forced relocations, and arbitrary arrest. At the same time, Vietnam's dispute with China, resulting partly from its Cambodian adventure, forces it to maintain a large army on its northern border. Vietnam also maintains significant forces in Laos in order to keep the Lao Government, which it dominates, in power. These policies have left Vietnam with an army of over 1 million men.

Vietnam is a poor, underdeveloped, agricultural country faced with the problem of feeding a large population (60 million), with many of its most talented people having fled overseas. At the same time, it is attempting to impose a Soviet-style Marxist-Leninist political and economic system on a populace in the south with a different value system and questionable loyalty to the current regime. Most citizens live barely above subsistence level, although Vietnam has claimed that it is now able to meet minimum food requirements. Food is rationed or highly priced on the free market.

Thousands of residents of southern Vietnam seek escape from the severe repression imposed upon them by the authorities in Hanoi and from the bleak prospects caused by the Government's effort to impose a Communist economy on a once vigorous free market. The more fortunate are able to leave under the Orderly Departure Program of the United Nations High Commissioner for Refugees (UNHRC). Other thousands, however, have set off in small boats for neighboring countries. Many in this latter group have lost their lives to the hazards of the sea, Vietnamese gunboats, or pirates.

There was no improvement in the dismal human rights situation in Vietnam during 1985, and no amelioration of economic, social, or political conditions.

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RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

The Government acknowledges that a number of persons whom it considered "war criminals" were executed in the wake of the 1975 takeover. Former inmates of reeducation camps have reported summary executions for escape attempts and resistance to camp authorities. One study of such reports has concluded that since the fall of Saigon such executions number in the tens of thousands. Attacks by minority and ethnic Vietnamese resistance groups against Government authority usually target People's Army of Vietnam units, but they sometimes attack public security or administrative officials. Although accurate figures are not available, the number of deaths caused by these activities appears to be small.

b. Disappearance

Though disappearances, apparently officially authorized, of Vietnamese citizens occurred in the period immediately following the Communist takeover of the South, no reports of such disappearances have been received in recent years.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Reports from refugees are consistent concerning the severity of the conditions for prisoners in reeducation camps. In these camps, provision of food rations below subsistence levels, denial of medical care, and assignment of hard labor to prisoners have been regularly practiced. Prisoners are punished severely for minor infractions of camp rules. For example, a minor infraction could be punished by several months solitary confinement. These practices can result in acute suffering, permanent physical impairment, and death. Inmates have indeterminate sentences and face the prospect of indefinite penal labor. In addition to common criminals, these camps contain former officials and military officers of the Republic of Vietnam, many of them aged, and people arrested for political reasons since the Communist takeover. Included are chaplains and clergy from both Buddhist and Christian groups, intellectuals, and former political leaders. Persons imprisoned for attempting to flee from Vietnam have reported that beatings of inmates during interrogation have resulted in death. A former inmate in a prison for people who have attempted to leave Vietnam illegally has stated that prisoners who refused to obey guards' orders had been executed.

d. Arbitrary Arrest, Detention, or Exile

Suspects may be apprehended on a warrant, which stipulates the nature of the crime and which permits detention for 2 months prior to trial. An extension for a further 2-month detention can be obtained upon application to higher authorities. There is no provision for bail, nor access to a defense lawyer prior to trial. When they deem it necessary, public security officials may apprehend and search suspects without a warrant. Such people may be held for an indefinite period, and there is no right to habeas corpus. Refugees report that the authorities sometimes wait several months before notifying relatives of arrests.

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Those suspected of political crimes may be sent to reeducation camps without trial or charge. The Government continues to hold thousands of people without trial in such camps, including both those whom the Government distrusts because of their association with the former Republic of Vietnam, and those whose current political views are suspect. These camps remove dissident elements from society, particularly competent and/or charismatic leaders. The camps attempt to produce conformity through confinement, fear, hard labor, self-criticism, and a minimum amount of indoctrination. While several thousand prisoners have been released, including officers up to the rank of colonel (and a handful of generals, most in the medical services), some have been rearrested. The Government claims that the number of people still detained in its reeducation camps since 1975 is on the order of 7,000. Critics of the regime maintain that the real number is considerably higher.

Forced labor has been used by Vietnamese and local authorities in Cambodia for projects to build barriers along the Thai-Cambodian border and to improve the logistical infrastructure for Vietnamese occupation troops.

e. Denial of Fair Public Trial

For those Vietnamese who are given a trial, for the most part those charged with nonpolitical crimes or specific prohibited political acts, the judicial process cannot be considered fair to the accused. In general, the entire legal system operates as an agency for the enforcement of regime directives; it has no independence from political intervention.

In addition to those detained without trial in reeducation camps, there are also a number of people who have been charged, tried, and executed for conspiring to overthrow the Government or for other political crimes. In December 1984, 21 persons were put on trial for espionage in Ho Chi Minh City (formerly Saigon). The appointed defense attorney was quoted during the proceedings as saying, "they violated the law and nobody can defend them because they are traitors." Five of the accused were found guilty and sentenced to death. Three of them were executed on January 8, 1985. The other two had their sentences commuted to life imprisonment. One hundred more suspects are reported to be under arrest. There is no reliable estimate of the number of such political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There is a pervasive system of population surveillance by party-appointed local wardens, who use informants to keep track of each person's political and economic activities. The system works imperfectly in the South, however, partly because of a shortage of trusted party workers. There have been reports of officials and even unofficial security wardens conducting without warrants midnight searches of homes for draft-age males in order to fill draft quotas. There continue to be reliable reports that the Interior Ministry inspects and sometimes confiscates international mail and packages sent to Vietnam, particularly to politically suspect people or those of Chinese origin. Outgoing mail is also subject to inspection and censorship.

The regime has widely publicized its program to relocate millions of people to "new economic zones" in virgin or

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unproductive rural areas in order to expand agricultural production. Hundreds of thousands were resettled in these remote zones in the south in the years immediately following the fall of South Vietnam. The resettlement process has involved forms of coercion in most cases. It targeted for resettlement those whose views and background made them politically suspect and often unable to find employment. Conditions in these zones are widely reported to range from poor to life-threatening with inadequate provision of basic services. Many of those so relocated have left the zones, returning to the cities where they are forced to live on an already marginal economy, without the ration or neighborhood registration cards essential to procuring employment, food, and other essential services. Without these documents they can be arrested arbitrarily and returned to the new economic zone.

The Government continues its relocation program, despite its cost in human suffering. The 1981-85 plan calls for the relocation of 1 million people. A Ministry of Labor official claimed in August, 1985, that the 1985 goal of relocating 200,000 workers would be met. The official rationale for this massive dislocation of people is increased economic production, particularly of cash crops such as coffee and rubber. Although the Government speaks of "volunteers" when discussing people resettled in these zones, it is clear that arbitrary resettlement interferes with a person's right to live in a place of his own choosing.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Freedom of speech and of the press does not exist in Vietnam. The Ministry of Culture and Information and organs of the party control the distribution of all newspapers, books, and other publications, as well as all cultural exhibitions. The Government controls and censors all public sources of information and promotes "revolutionary culture" in the arts. Many prominent artists and writers have been arrested. Refugees have reported that the Government has implemented electronic jamming against the short-wave radio operated by a Vietnamese resistance group which broadcasts into Vietnam.

Independent criticism of the party and Government is not permitted. Self-censorship by journalists operates without question, given the pervasive control of the party.

The block surveillance system uses informants to monitor the activities of citizens. Public criticism of officials is not permitted and does not occur, except in official news media when criticizing the performance of some officials or groups of officials who do not meet current party objectives.

b. Freedom of Peaceful Assembly and Association

Public or private meetings to criticize or protest government actions or policies are prohibited. Nongovernmental organizations, such as church groups, can meet for narrowly defined objectives, such as church services, but not for other purposes.

In lieu of independent labor unions, government-controlled unions have been set up under the Vietnam Federation of Trade Unions, an organization completely controlled by the Communist

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party. Claiming 3 million members, the Federation's stated goal is to increase party control and production, rather than to improve workers' welfare or to protect their rights. There is no right to bargain collectively or to strike.

Other "mass organizations," such as the Women's Federations, exist in the various sectors of the population. They perform the same functions of control, propaganda, and policy dissemination within their respective sectors as does the Trade Union Federation among workers. They are grouped into the Vietnam Fatherland Front.

c. Freedom of Religion

The Government tolerates the existence of religious groups and allows religious services but has consistently attempted to divide and control the Catholic, Buddhist, and Cao Dai religions, the Islamic community, and other religious groups. The Government perceives them as potential seedbeds of subversion and political opposition. It has attempted to prevent their growth and to inhibit proselytizing activities by, among other things, prohibiting publication of religious materials and severely limiting the training and mobility of clergy. The Government has attempted to coopt religious groups by promoting parallel organizations and leaders who are subservient to it.

Refugees have reported constant harassment of the Catholic Church by government authorities. Sermons require government approval. Uncooperative priests are subject to confinement in remote villages or incarceration in "reeducation camps." Many priests have been arrested, or are under house arrest. There are reportedly more than 100 priests detained in "reeducation camps," and most former South Vietnamese military chaplains of all religions have remained in prison since 1975. Catholic priests and nuns are subject to police surveillance, and most of them are required by the authorities to work full time in secular occupations, thus limiting their participation in religious activities. The teaching role of the Church has been severely restricted, and many churches and all but one Catholic seminary in the south have been closed; reportedly, no priest has been ordained since 1980. The Government has restricted communication between rural parishes and their bishops. It also prohibits the printing of Bibles or their importation. Authorities routinely cut lists of parishioners applying to attend services by at least half, and an individual can attend only the church at which he is registered. Catholics are required to register as such with the authorities and are discriminated against in employment although Buddhists are not. "Voluntary" work and other required activities are scheduled by the authorities during times of regular church services. As a result of this harassment, the size of Catholic congregations has shrunk steadily since 1975. In central Vietnam, thousands of Catholics have been forcibly relocated and made to work on government construction projects.

Protestant churches have been similarly restricted. Church buildings have been taken over by the authorities under various pretexts. Churches in the highlands (where most Protestants are located) have all been closed, as was the sole Protestant college and theological seminary. There have been continued reports of harassment among those evangelical churches which have been allowed--albeit within narrow limits--to continue to hold services in urban areas.

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Most of the 30,000 Vietnamese Muslims are members of the Cham minority, which the regime distrusts and harasses. Links between the Cham, Khmer Krom (ethnic Khmer living in Vietnam) and hill tribes (Montagnards) have created the only sizable resistance movement in Vietnam: the United Liberation Front of Oppressed Races, or FULRO. In its repression of the Cham the Government has eliminated the position of Mufti, or Islamic religious leader, within the Muslim communities; disbanded the organized Islamic association; and forced them to sever their links with overseas Islamic organizations. The regime forbids pilgrimage to Mecca and has not given permission for the Islamic community to participate in the Koran reading contest held annually in Malaysia. Many Islamic schools have been closed but most mosques remain open. Importation of Korans is forbidden and the Koran printing house has been closed.

About half of Vietnam's 60 million people are Buddhists, the great majority of them Mahayana. The authorities have tried repeatedly since 1975 to suppress and intimidate the Mahayana Buddhist leadership. They have closed temples and transformed them into public buildings. They have arrested monks intermittently since 1975, and hundreds remain in reeducation camps. Many monks remain under house arrest, and the travel of those not under detention is severely restricted. Some reports allege that local authorities seek to control the community of Buddhist monks by forbidding the donation of food. The majority of pre-1975 monks in the south have been forced to leave the monkhood, and few young men are allowed to join the community. Teaching of seminarians must often be conducted in secret, and pagoda schools have been closed. Monks of the formerly politically active An Quang, Xa Loi, and Vinh Nghiem pagodas are kept under close government surveillance and are rarely allowed visitors. The regime established the Unified Vietnam Buddhist Church as "the only Buddhist organization representing Vietnamese Buddhism in all other relations in the country and with other countries," but this organization reportedly has no appeal to most Buddhists.

Most of Vietnam's Theravada Buddhists are Khmer Krom. This group, which numbers about 800,000 people living in southern and southwestern Vietnam, has provided the Vietnamese army of occupation in Cambodia with interpreters and staff for its military government. Nevertheless, the Khmer Krom remain distrusted by the Vietnamese, partly for historical reasons. A number of former Theravada leaders have been imprisoned.

Other religious groups have also been persecuted by the regime. The Hoa Hao (a Buddhist sect) strongly resisted the Communist takeover. As a result, the Government violently repressed the sect and arrested virtually all of its leaders. The regime maintains tight control over Hoa Hao areas. Similarly, the regime has arrested many of the leaders of the Cao Dai (a uniquely Vietnamese religion comprising elements of Buddhism, Islam and Christianity). Refugees have reported police occupation of the Cao Dai Holy See in Tay Ninh City.

Since the regime views religion as a possible source of political opposition, adherence to a religious group is incompatible with membership in the Communist Party. Party membership is a prerequisite for advancement in society.

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d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.

Government approval is required for all external travel, and an identity card is required for internal travel. No one is allowed to change his residence or work location without permission from the authorities. Since public security cadre periodically check household occupants against the official family register, unauthorized absences also subject families to surveillance and harassment. With few exceptions, only government officials or approved spokesmen for quasi-governmental organizations receive permission to travel abroad.

Many factors, in addition to the generally repressive political situation, have caused a mass exodus from Vietnam since 1975. Among them are ethnic and religious persecution, discrimination with regard to economic and educational opportunities, fear of imprisonment or of forced resettlement in remote areas, and fear of conscription to fight in Cambodia.

Vietnam's program to "facilitate" the departure of ethnic Chinese and others as refugees, which led in the spring of 1979 to an exodus of over 40,000 a month by boat, was apparently suspended in July 1979. Information from refugees who have left Vietnam since then indicates that the authorities are no longer officially assisting such departures. In May 1979 the UNHCR reached agreement with the Government on the legal departure of people from Vietnam under the Orderly Departure Program. This program started slowly but in fiscal year 1984, 28,340 people left Vietnam under the program, and in fiscal year 1985 the number was 28,478. A significant number of these are ethnic Chinese who consistently find it easier than ethnic Vietnamese to obtain official approval for departure. Another significant portion is composed of children fathered by Americans in Vietnam, known as "Amerasians." The Government wants them to leave, and they are often subject to discrimination in Vietnam.

Refugees continued to leave Vietnam clandestinely, although at a reduced rate compared to past years. They leave because of a combination of political, economic, and personal factors. Hanoi radio has broadcast reports of executions or of lengthy jail sentences for organizers of failed escape attempts, as well as of punishments dealt to others implicated. Currently, men can expect sentences ranging from 3 to 15 years at hard labor--depending on their role in the departure attempt--while women receive 1 to 3 months, with childless women often receiving longer sentences. Those released from reeducation camps who attempt flight can expect to be returned to the camps for an indefinite term. Property, often including the means of livelihood, is confiscated from those caught trying to escape. During the past few years there have been credible reports of Vietnamese patrol boats firing upon and sinking helpless refugee boats attempting to flee clandestinely. Hundreds of refugees reportedly have been killed and others captured and imprisoned as a result of these attacks.

In order to be placed on Orderly Departure Program lists, people must often bribe officials. Refugees from the Mekong Delta have reported that some people have paid officials from 4,800 to 6,000 dollars in gold per person to be placed on tentative lists with no guarantee as to when or if they would be permitted to leave. People who have applied for exit permits reportedly are subject to recurring security checks and harassment.

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Few have returned to Vietnam after having fled the country. Those who left in the immediate aftermath of the fall of South Vietnam in 1975 and later returned were incarcerated in reeducation camps. In only a few isolated cases has Hanoi allowed anyone to repatriate in recent years; in effect, those who emigrate lose their citizenship. However, some people who have acquired nationalities and travel documents of other countries have been permitted to return to Vietnam as visitors.

Since the occupation of Cambodia by Vietnam, large numbers of Vietnamese, possibly as many as several hundred thousand, have settled in Cambodia. Although many of these people are former residents expelled by Cambodia's former rulers, a significant number are reportedly first-time settlers.

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

All authority and political power in Vietnam is vested in the Communist party, and political opposition to or advocacy of change in this system is not tolerated. The Politburo of the Central Committee of the Communist Party of Vietnam is the supreme decisionmaking body in the nation, and the party's Secretariat oversees day-to-day implementation of Politburo directives. The party leadership selects candidates for the Central Committee, and the periodic national party Congresses merely ratify the selection without any choice among the candidates. The Congress is made up of delegates from the party apparatus of each province, who are similarly selected by higher levels.

Ostensibly the chief legislative body, the National Assembly in fact approves without dissent the policies set by the Politburo. National Assembly elections are held in Vietnam every 5 years, most recently in 1981. The elections that should have taken place in 1986 have been put off until 1987, however. Local elections will be held at the same time. People must participate in order to have their ration cards validated. Voters do not have a real choice. They may only strike out the names of candidates for whom they do not wish to vote from the single list which is presented to them.

Although southerners are present in the Politburo and Central Committee and in some ministerial and National Assembly positions, the leadership's general distrust of southerners, including some long-time party members, is a significant factor in the assignment of political responsibilities. For the most part, Southerners who played major public roles in the National Liberation Front prior to 1975 have since been shunted aside by the party leadership.

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

Vietnam is not a member of any international human rights organizations, nor does it play an active role in attempting to ameliorate the human rights situations in other countries. The Government does not permit the existence of private groups concerned with human rights.

Foreign delegations and journalists who have been allowed to visit reeducation camps have been shown model camps. Former prisoners have described extensive preparations to beautify

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camps prior to visits, temporary removal of most prisoners during the visit, and careful briefing of the remaining prisoners by Communist party cadre on what to tell delegation members.

In its 1985 Report, Amnesty International expressed its continued concern about the long-term detention without trial of several thousand people allegedly associated with the Government of the former Republic of Vietnam. It was also concerned about other political prisoners arrested since 1975, many of whom were held without charge or trial. These included leading religious and intellectual figures arrested in 1984. Freedom House rated Vietnam as "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Vietnam's population of 60,492,000 was growing at an annual rate of 2.5 percent in 1985.

Ten years after the reunification of the country, Vietnam's economy continues to stagnate. Per capita national income had decreased 2 to 3 percent annually following a precipitous 20 percent drop in 1975. The decline is ascribed to population growth, defense needs, capital construction expenses, and inadequacies in economic management.

Economic stagnation also appears to be due to diversion of resources, particularly trained managers, to the maintenance of a large army, both in Cambodia and on the Chinese frontier. Another factor is Vietnam's inability to service its external debt, thereby severely limiting foreign investment and multilateral developmental assistance. Most countries capable of providing bilateral assistance, investment, or trade opportunities are unwilling to do so in the face of Vietnam's occupation of Cambodia. The flight of technically skilled people abroad and underuse of Western-trained technicians has also handicapped development.

Although industrial production began to increase significantly in 1981 after several years of decline or almost zero growth, the industrial sector remains extremely weak. Increased emphasis on light industry has led to some increase in consumer goods, but per capita consumption is stagnant or even falling.

Production incentives have ameliorated agricultural shortfalls to a degree. According to the Government, grain production reached nearly 17 million metric tons in 1983, and the Government claimed that it had reached grain self-sufficiency. Increase in grain production appears to be barely keeping pace, however, with the rate of population increase. Grain production in 1984 has been estimated at 17.8 million metric tons, though some observers believe it was significantly lower. The Government has reported that grain production in 1985 was 18.2 million tons, well below the planned level of 19 million. The plan figure for 1986 is 20 million tons.

Collectivization of the fishing industry and nationalization of most ocean-going vessels have lowered fishermen's income severely. The fishing industry has been further curtailed by strict government limits on the amount of fuel and water permitted aboard. These measures have been adopted to prevent refugee escapes. Depletion of the fishing fleet through loss of boats to transport refugees has also hurt the industry. As a result, produce from sea fishing declined annually from 1976 until 1984 when the decline ended.

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Inflation in the price of necessities, reported by refugees to be at least 50 percent in 1984, has also led to increased corruption and crime. Corruption continues to be a fact of life for all Vietnamese. The average citizen must bribe officials to obtain public services and official documents. For many families the black market sale of goods received in packages from relatives abroad has become an essential component of their income. However, government measures to restrict the amount of goods and money which families can receive from abroad as well as other official moves against free market activities have curtailed free trading.

The level of health care has declined since 1975. The severe shortages of medical facilities and medicines have been aggravated by the need to divert material and people to the care of soldiers wounded in Cambodia. Only the most minimal facilities are available for the average worker. Ordinary peasants and workers must purchase medical prescriptions on the open market, unlike party cadre who have access to free or government-subsidized prescriptions. Those who are not employed by the State are not eligible for care at government medical facilities. Medicine is in extremely short supply and thus expensive on the free market. Government officials have acknowledged that a major source of medicine for the country is gift packages sent to their relatives by ethnic Vietnamese abroad. The general health condition of people leaving through the Orderly Departure Program has deteriorated noticeably and steadily over the past 3 years, according to the doctors who examine them. In 1985 life expectancy was 65.1 years, and the infant mortality rate was 59 per 1,000 live births.

The adult literacy rate in 1979 was 84 percent. The authorities claim that primary education is universal. Education above the elementary level, particularly at higher levels, is often restricted to those with approved backgrounds. The party committee in each school reportedly makes the final determination of who will graduate. Similarly, study abroad is restricted to politically acceptable people.

Wages and hours of work are regulated by the Government, and wages are at near subsistence levels for most workers. Wage increases for civil servants have not kept pace with inflation, forcing many city dwellers, especially government cadre and workers, to hold two jobs. It is not known whether child labor or occupational safety and health laws exist in Vietnam.

At least 55,000 Vietnamese workers have been sent under contract to work in various occupations in the Soviet Union and other East European countries. A significant portion of their wages is deducted to help pay for Vietnam's debt to these countries. It appears that even with these deductions, however, workers are eager to participate in this program so as to escape the extreme poverty and unemployment of present-day Vietnam.

Despite the promises of the Communist Party to emancipate women and the important administrative and productive roles filled by women in the war to take over the South, women in Vietnam today do not have positions in the leadership of the country which their numbers would warrant. There are no women in the Politburo and only four women in the 116-member Central Committee. There is only one woman member, the Education Minister, in the Council of Ministers. Vietnamese women have retreated from management positions they held during the war.

VIETNAM

This trend is partly due to the proclivities of those involved, but it is also a result of the attitudes of Vietnamese men. Moreover, women in Vietnam are limited to traditional occupational fields. At the primary level, women attend school at almost the same rate as men (89 percent versus 94 percent). Reliable figures are unavailable for higher education attendance ratios, but the disparity between rates of attendance for men and women is believed to be much greater.

Gradual assimilation and appear to be the Government's long-run strategy for most minorities. The Government has created special schools in the Hanoi area to train minority cadres destined to be the "eyes and ears" of the party among their own people. Highland minorities in central Vietnam are subject to repression if suspected of ties with resistance groups. Officially sponsored settlement of ethnic Vietnamese into the highlands is designed to enhance lowlander control and to restrict minorities, some of whom are being forced away from their traditional farming practices and into settled agriculture. Southern minorities such as the Chinese, Indian, and Khmer have been encouraged to leave the country. One effect of Vietnam's history has been on the Vietnamese attitude toward the ethnic Chinese minority, whom the Government perceives as a potential fifth column, to be expelled if possible, and if not, to be watched and closely controlled. Ethnic Chinese are severely discriminated against through denial of officially sanctioned employment and educational opportunities.

Former military officers of the Republic of Vietnam are systematically denied employment. The children of former military and civilian officials are denied university education by a review of family background to culls "undesirable elements." Men released from "reeducation camps" are formally denied their civil rights for an indefinite period and are subject to severe restrictions in employment and travel.

WESTERN SAMOA

Western Samoa lies in the South Pacific Ocean approximately 1,600 miles northeast of New Zealand and looks to that country as a model for its democratic practices and educational system. The culture of Western Samoa is essentially Polynesian but uniquely Samoan. Traditional authority is vested in the matai. Each extended family, or aiga, has at least one matai, who is appointed by consensus of the aiga. Ownership of land is legally vested in the matai. It is the matai's responsibility to direct the economic, social, and political affairs of the aiga. There are 362 villages in Western Samoa with a total of 12,000-plus matai, who can fine or otherwise punish offenders of village rules.

The 1960 Constitution established a parliamentary democracy on the Westminster model but with variances which allowed for "Fa'a Samoa" or the "Samoan Way." The Constitution provides for a Samoan Head of State, a unicameral legislature, an independent judiciary, protection of Samoan land and traditional Samoan titles, and guarantees of fundamental rights and freedoms. The present Head of State, Malietoa Tanumafili II, holds the position for life. His successors will be elected by the Legislative Assembly for 5-year terms. The Head of State appoints as Prime Minister, the leader of the Government, an elected member of the Assembly who can command majority support in that body. Members of the Cabinet are appointed by the Head of State with the advice of the Prime Minister. They and the Prime Minister hold office as long as they enjoy the confidence of the Assembly. The 47 Assembly members are elected for 3-year terms. All legislation needs approval by the Head of State before becoming law.

The Western Samoan economy, which is primarily agricultural, is beset by many of the problems of a developing country. It is particularly susceptible to shifts in world prices for its export commodities such as coconut oil. The Government has implemented austerity measures in an attempt to improve the suffering current accounts deficit, but there is no evidence that human rights have been affected by economic conditions.

There were no significant human rights issues in Western Samoa in 1985.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

Killing for political motives, whether by the Government or by opposition political organizations, does not occur.

b. Disappearance

There are no secret arrests, clandestine detentions, or abductions in Western Samoa.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and cruel or degrading treatment or punishment are prohibited by law in Western Samoa, and there have been no instances of such practices.

WESTERN SAMOA

d. Arbitrary Arrest, Detention, or Exile

There are full and effective legal safeguards of internationally recognized rights in this area. The Constitution guarantees freedom from forced labor. Exile, internal or external, is not practiced.

e. Denial of Fair Public Trial

Western Samoan law guarantees the right to a fair public trial, and this right is honored. All charges are stated formally and clearly. Defendants are entitled to counsel. There are no special courts to deal with political or security offenses, and the judiciary is independent of government interference or influence. There are no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government respects the privacy of the people and does not permit arbitrary interference with family, home, or correspondence. Both law and local custom provide for the protection from invasion of the home and from seizure of property without substantive and procedural safeguards, including search warrants.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Freedom of speech and press are fundamental parts of the Constitution. They are respected in law and practice.

b. Freedom of Peaceful Assembly and Association

The Constitution guarantees the right of peaceful assembly and to form associations and unions. There are no significant restrictions.

While trade unions have not emerged in the private sector, the public service has an employees' organization which engages in collective bargaining. The Government has permitted efforts to develop unions, and the courts have upheld the right to strike and to enter into collective bargaining.

c. Freedom of Religion

Freedom of religion is guaranteed in the Constitution along with the freedom of thought and conscience. Each person is guaranteed the right to change religions or belief and to worship or teach religion alone or with others. There is no government-favored religion. Almost all of the people are Christians.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution guarantees the right to travel and move freely throughout Western Samoa and to change residence. Samoans are free to travel abroad, and they can emigrate and return to Samoa without restriction.

WESTERN SAMOA

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

Western Samoa's Government is based upon the British parliamentary system, with actual power vested in the Prime Minister and the Legislative Assembly. The Legislative Assembly is elected every 3 years. Forty-five of the Assembly members are elected by approximately 12,000 matai in Western Samoa, and the other two seats are filled by universal suffrage of those citizens who are not Samoan by heritage. Although there is some pressure for extending suffrage to all citizens, the concept is seen by many as conflicting with "Fa'a Samoa." The existing system is viewed as being democratic, in that the matai traditionally consult with their extended families before making decisions such as choosing among candidates for the Assembly. In recognition of this practice, candidates campaign among nonmatai in an effort to influence the eventual choices made by the matai. The matai system is conservative but does allow for change. While Samoans must show respect and obedience to their matai in family and communal affairs, the matai have well-defined responsibilities which, if not met, can result in removal.

Western Samoa has only the rudiments of political parties. The Human Rights Protection Party (HRPP) was founded in 1982, and the Christian Democrat Party early in 1985. The current Government, a coalition of HRPP defectors and Christian Democrats, unseated an HRPP government through parliamentary maneuvers in December 1985.

The political process in Samoa still tends to be a function of personality rather than party. In recent experience, elections have occurred more frequently than the prescribed 3-year cycle, primarily as a result of no-confidence votes.

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

No requests for human rights investigations were made to the Western Samoan Government in 1985, nor have human rights organizations found cause for comment or special reporting on Western Samoa. There are no local nongovernmental organizations which concern themselves with human rights. The Amnesty International 1985 Report does not contain an entry for Western Samoa. Freedom House rates it "partly free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The population of Western Samoa was 161,000 in 1983 and, according to 1981 statistics, growing at the rate of .6 percent. The low growth is due to emigration, the birth rate being considerably higher than that figure. Yearly per capita income was estimated for 1981 as \$623. Ninety percent of the work force is in agriculture, cultivating both subsistence and cash crops.

Western Samoa suffers from a critical balance of payments problem. As a result of austerity measures adopted by the Government, the economy is slowly improving. The Government's main development goal is to improve agriculture.

Life expectancy at birth in Western Samoa is 66 years, and the infant mortality rate, according to 1982 World Health

WESTERN SAMOA

Organization figures, is 35 per 1,000 live births. Ninety-five percent of the population has access to safe water.

Education is not compulsory or free. The total primary school enrollment is 127.3 percent, with males representing 123.5 percent and females at 131.7 percent. The adult literacy rate is 97.8 percent: 98.7 percent in urban areas and 97.5 in rural.

The Labor and Employment Act of 1972 and 1973 regulations establish a 40-hour workweek for the private sector and a minimum wage, currently about \$.25 an hour. It is illegal to employ children under 15 years of age except in "safe and light work." The law also establishes certain rudimentary safety and health provisions, such as a requirement for fencing around dangerous machine parts. Independent observers say, however, that the safety laws are not enforced except when accidents highlight noncompliance and that many agricultural workers, among others, are inadequately protected from pesticides and other health hazards. Part of the problem is low safety consciousness, which government education programs are addressing. The law does not apply to service rendered to the matai, some of whom require children to work at what might be considered "child labor." Government employees are covered under different and more stringent regulations, which are adequately enforced.

Under the Constitution, women are afforded the same rights as men. While women have been active in the Assembly, other public offices, and community affairs, they are generally underrepresented in proportion to their share of the population.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: WESTERN SAMOA

	1983	1984	1985	
I.ECON. ASSIST.-TOTAL...	1.0	1.1	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	1.0	1.1	0.0	
A.AID	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0	
B.FOOD FOR PEACE.....	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
TITLE I-TOTAL.....	0.0	0.0	0.0	
REPAY. IN 3-LOANS.....	0.0	0.0	0.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	0.0	0.0	0.0	
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0	
VOL.RELIEF AGENCY.....	0.0	0.0	0.0	
C.OTHER ECON. ASSIST...	1.0	1.1	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	1.0	1.1	0.0	
PEACE CORPS.....	1.0	1.1	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
A.MAP GRANTS.....	0.0	0.0	0.0	
B.CREDIT FINANCING.....	0.0	0.0	0.0	
C.INTL MIL.ED.TRNG.....	0.0	0.0	0.0	
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E.OTHER GRANTS.....	0.0	0.0	0.0	
III.TOTAL ECON. & MIL...	1.0	1.1	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	1.0	1.1	0.0	
OTHER US LOANS.....	0.0	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	0.0	0.0	
ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	
			1946-85	
TOTAL.....	1.6	0.1	6.0	53.7
IBRD.....	0.0	0.0	0.0	0.0
IFC.....	0.0	0.0	0.0	0.0
IDA.....	0.0	0.0	2.0	8.4
IIB.....	0.0	0.0	0.0	0.0
ADB.....	1.5	0.0	4.0	36.5
AFDB.....	0.0	0.0	0.0	0.0
UNDP.....	0.1	0.1	0.0	8.7
OTHER-UN	0.0	0.0	0.0	0.1
EEC.....	0.0	0.0	0.0	0.0

EUROPE AND NORTH AMERICA

ALBANIA*

Albania is a one-party State ruled by a Marxist-Leninist dictatorship. Ramiz Alia officially replaced the first Albanian Communist ruler, Enver Hoxha, as Albania's leader on April 13, 1985, two days after Hoxha's death. Like Hoxha, he exercises personal leadership through the 125,000-member Albanian Party of Labor (Communist party).

A large, effective security service, known as the Sigurimi, assists the party in maintaining repressive controls over the Albanian people, who enjoy only very limited civil and political rights.

Albania has a centrally controlled command economy under which the State owns the means of production and the Government directs all significant economic activity. Within a strategy of economic self-reliance, the Government emphasizes a policy of rapid industrialization and development. In recent years, however, the rate of economic growth has declined.

There is no substantial evidence that the human rights situation, which appeared to be exceptionally bad in 1984, improved significantly in 1985. The new leader, Alia, has pledged continuity with Hoxha's policies while calling for greater political "vigilance." Some Western visitors, however, have reported a somewhat more relaxed social atmosphere during 1985.

Albania is a member of the United Nations but has not signed the Final Act of the Conference on Security and Cooperation in Europe.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

In the past, the Communist rulers have indulged in political killing of their opponents, as Enver Hoxha did in disposing of four principal supporters of Mehmet Shehu, his former close associate who reportedly committed suicide under suspicious circumstances in 1981. There is no evidence of political killing since Alia's rise to the top.

b. Disappearance

Persons who have escaped from Albania report that disappearances occur, but specific corroboration is not available.

* The United States has not had diplomatic relations with or official representation in Albania since World War II. It is difficult therefore to comment authoritatively on conditions in Albania.

ALBANIA

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Criminal Code prohibits the use of physical or psychological force during investigations. Nevertheless, former political prisoners have often alleged that they were beaten and ill-treated during interrogations to force them to make "confessions." Although some of the worst abuses of the past may have ended, it appears that interrogators still resort to threats and beatings to obtain detainees' "confessions" or collaboration. In the absence of independent investigations of these charges, it is difficult to corroborate such reports, but the pattern of allegations suggests there is at least some truth to them.

Private international humanitarian organizations have reported extremely harsh prison conditions in Albania, including a severe forced-labor regime with inadequate food and clothing, long-term solitary confinement, cramped cells without room to lie down, and unheated, unfurnished cells lacking any sanitary facilities. The Burrel prison and Spac and Ballsh labor camps have been singled out for special mention in this regard.

Eye witnesses have reported the exhibition of bodies of dead prisoners as a means of intimidating the populace. It is impossible to say how widespread this practice may be.

d. Arbitrary Arrest, Detention, of Exile

The Constitution provides that no one may be arrested without court or prosecutorial approval or be sentenced to jail without a court verdict or for an act which is not a crime. The Criminal Code, however, is explicitly ideological, and has been officially characterized as a "weapon in the class struggle." The loose formulation of its provisions defining political offenses facilitates their broad interpretation by the courts.

The Criminal Code lists 34 crimes, 12 of which are political offenses, for which the death sentence may be imposed. Among these are such nonviolent political offenses as: unauthorized departure or "flight" from Albania, agitation and propaganda against the State, creation of a counterrevolutionary organization or participation therein, concealment of a person who commits a crime against the State, activity against the revolutionary movement of the working class, and refusal to carry out a duty or coercing others to refuse. The Criminal Code also provides that banishment (generally to a state farm or enterprise) or internment may be administratively imposed, without trial, for up to 5 years on persons whom the authorities consider a threat to the social system and on the families of fugitives. There are numerous reports that families of escapees from Albania have been imprisoned as a deterrent to other potential illegal emigrants. In its 1985 Report (covering the year 1984), Amnesty International notes a number of such cases in recent years, but another source claims that close relatives of recent escapees are no longer interned.

e. Denial of Fair Public Trial

The judicial system in Albania includes the Supreme Court and regional and district courts. Like all organs of government and state authority, it appears to be under the total control

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of the Albanian Party of Labor. There is virtually no chance a court would render an independent verdict in conflict with the wishes or policies of the political authorities.

Reports of the number of persons in prison range from 4,000 to 40,000, including 300 members of the pre-World War II elite, as well as pro-Soviet, pro-Chinese, and other political prisoners. Many persons are serving sentences for expressing dissatisfaction with conditions in Albania or for trying to flee the country. Amnesty International reports that it has the names of almost 400 political prisoners held in Albania during the 1970's and 1980's, but it believes this is only a fraction of the true figure. Former political prisoners report that about 1,200 political prisoners each were being held in Ballsh and Spac labor camps during the early 1980's. Some 300 more were imprisoned at Burrel, and others were held in Tarovic, Kosove, and Tirana prisons. Although the last amnesty was approved on November 15, 1982 (Albania's national day), there is no independent confirmation of the number of persons amnestied, and there are reports of further political arrests since then.

Amnesty International reports that political detainees lack legal safeguards during both pretrial investigations and trial proceedings. By law, investigations into crimes against the State must be completed within 3 months, but extensions may be easily obtained and no effective maximum period of investigation is enforced. Most investigations into political offenses have been completed within 3 to 4 months, but Amnesty International charges that some investigations have dragged on up to 13 months. Political detainees have been held under harsh conditions for up to 6 months in solitary confinement during pretrial investigations without access to lawyers or relatives. The Criminal Code provides that accused persons must be informed when investigation of their cases is concluded and allowed to examine all the evidence to be brought against them. Usually, however, they are not allowed to examine all the materials and are shown only copies of the indictments. In sum, there do not appear to be any effective controls on the powers of those in charge of investigations in political cases.

Defendants at political trials have usually been denied defense counsel and have had to conduct their own defense. Major political trials of state officials are closed when it suits the purposes of the regime, but most political trials of ordinary citizens are held in open court. Most such trials last no more than 1 day, and there are no known acquittals of political defendants.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution proclaims the inviolability of the home and the privacy of correspondence but at the same time provides that these and other civil rights are subordinate to the "general interest" and may not be exercised in opposition to the Communist system. It is generally accepted that the authorities can and do violate the privacy of the home whenever and to the extent necessary to achieve their ends. The Government uses its pervasive informer network to report on, among other things, the private lives of its citizens. Children are taught to report on their parents' activities in the home, such as whether they practice religion or speak

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against the Government. Contact with the outside world is carefully monitored. Members of the Greek minority who have escaped report that they had difficulty while in Albania in receiving mail or telephone calls from relatives in Greece. Packages of food, medicine, and clothing sent to them were returned by Albanian authorities to Greece without their knowledge.

Section 2 Respect for Civil Rights, Including

a. Freedom of Speech and Press

Although the Albanian Constitution states that citizens enjoy freedom of speech and press, it provides that these rights may not be exercised in opposition to the Communist system. Consequently, the Government has imposed rigid restrictions on freedom of speech and press. The government-controlled press never criticizes the leadership or its policies, and any citizen who does so publicly is subject to swift and severe reprisals under Article 55. In the past, persons found listening to foreign radio broadcasts or having unauthorized contacts with foreigners have been reprimanded or jailed, although there is some indication that these restrictions may have been relaxed lately. Information from abroad is carefully controlled. Art and literature are deemed to be weapons of revolutionary change and are subject to rigid state control and censorship.

b. Freedom of Peaceful Assembly and Association

The security apparatus deals severely with group activities that do not have government sanction or that might appear to be in opposition to the leadership. There are no independent associations or organizations.

Nearly all Albanians belong to trade unions that are part of the United Trade Unions of Albania, an arm of the party. The unions have no significant voice in the field of labor relations. Their assigned tasks include raising productivity, indoctrinating and propagandizing the workers, maintaining labor discipline, and organizing periods of so-called "voluntary" manual labor in which all Albanians are expected to take part. In practice, workers have no rights independent of the wishes of the State.

c. Freedom of Religion

All religious activity in Albania is expressly prohibited by the Constitution and by government policy. Historically about 70 percent of all Albanians were Muslim, nearly 20 percent were Orthodox, and a little more than 10 percent were Roman Catholic. However, in 1967 the Government proclaimed Albania the first atheist State in the world, abrogated all laws dealing with church-state relations, and began an active campaign to eradicate all vestiges of religion. More than 2,100 mosques, churches, monasteries, and other institutions were closed, their fixed assets seized without compensation by the authorities, and many religious leaders persecuted, imprisoned, or even executed for continuing their religious functions. All religious literature was banned, as were any personal manifestation of religious belief or practice.

The authorities continue to suppress religious activity by threatening harsh penalties for believers who practice their

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faith and by obliging citizens to inform on believers. Nevertheless, there have been some signs, beginning in 1982, that the regime was quietly toning down its shrill antireligious campaign as it tried to improve relations with Italy, Greece, and Turkey. There has been, however, no official assertion that religious practice is once again allowed. Despite years of antireligious pressure, it is reported that some Albanians have continued to practice their faith in the privacy of their own homes, particularly in villages and in more remote mountainous areas. Tourists have also reported seeing Muslim Albanians faithfully kneeling in prayer along roadsides with apparent impunity.

In November 1983, the Vatican publicly condemned religious persecution in Albania and claimed that a number of priests, members of holy orders, and seminarians had died in prison. It also reported that two priests had been executed for baptizing children. The official press denies that believers have been persecuted, and maintains that religious belief is opposed only by argument.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution does not guarantee freedom of movement. Movement within the country and travel abroad are controlled very strictly, and those who violate the laws are severely punished. The Criminal Code states that flight from the State or refusal to return to the fatherland on the part of a person sent abroad on service or allowed to leave the State is considered "treason" and punishable by imprisonment for not less than 10 years or by death. Despite this, Albanians continue to risk their lives to cross the heavily guarded border into Greece and Yugoslavia. Albanians reportedly are allowed to leave the country legally only on official business or, very rarely, for family reasons.

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

No such right exists in theory or in practice in Albania. The State is ruled by a totalitarian dictatorship, headed by Ramiz Alia in his capacity as First Secretary of the Albanian Party of Labor (APL) and Chairman of the Presidium of the People's Assembly. The Constitution establishes the APL as the sole political entity and Marxism-Leninism as the only political ideology. The APL is governed internally by the principle of "democratic centralism" under which decisionmaking power is concentrated in the hands of a small elite. Any attempt by individual citizens, or even by ordinary party members, to criticize policy or change the form of government or its leaders is dealt with severely.

The Constitution provides that the People's Assembly (unicameral parliament) is the supreme organ of national government in Albania, and similar bodies, people's councils, exist at the local level. Candidates for these assemblies are first indicated by the party and then "elected" without opposition by universal suffrage. During the last quadrennial election for the People's Assembly in 1982, the Government announced that 100 percent of eligible voters had participated and that the official slate of candidates had been elected with only one negative vote from the entire electorate.

ALBANIA

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

The Government denies any violations of human rights and refuses to cooperate with any investigation of allegations to the contrary, including one by the United Nations Human Rights Commission during 1985. Amnesty International's 1985 report detailed numerous concerns about the human rights situation in Albania: imprisonment of prisoners of conscience; lack of legal safeguards for political detainees; allegations of ill-treatment of detainees; and harsh prison conditions. Freedom House rated Albania as "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

With a population of about 2,960,000 and limited natural resources, Albania is the poorest country in Europe. Per capita gross annual income is estimated to be about \$850 according to the best available figures. Albania has the least amount of arable land per capita in Europe and the youngest, fastest growing population on the continent, increasing at an annual rate of 2 percent (four times the European average). In view of the country's poor resource base and the Government's self-imposed isolation, including its refusal to accept foreign credits (which are forbidden under the 1976 Constitution) to finance trade transactions, the leadership has achieved significant economic development since World War II.

Albania has a centrally controlled, command economy, under which the State owns the means of production. Despite the Government's policy emphasis on rapid industrialization, the economy remains based largely on agriculture and the production of raw materials, especially minerals.

Food supply is generally adequate, and there are no reports of chronic food shortages or rationing. The population receives more than the minimum daily per capita caloric intake (119 percent of the minimum), but it is one of the lowest in Europe. Life expectancy is estimated at 71.75 years, and the infant mortality rate is about 40 per 1,000 births. Nearly all children are educated, but the overall literacy rate for all ages is estimated at about 75 percent. Housing costs are low, but there is a chronic housing shortage, particularly for young couples.

The Constitution states that women shall enjoy "equal rights with men in work, pay, holidays, social security, education, in all social-political activity, as well as in the family." Information on the extent to which these rights are exercised is not available, but there are indications that the regime has advanced the status of women. Women are said to participate equally in the obligatory labor and military service programs. There are several women in the party and government leadership.

AUSTRIA

Austria is a constitutional parliamentary democracy. The coalition Government (Socialist Party and Freedom Party) formed after the 1983 national election has remained in office, and the (right-of-center) People's Party has remained in opposition.

The 1985 human rights situation in Austria was essentially unchanged from the conditions which prevailed in previous years. Human rights are respected in Austria. Individuals enjoy the right to associate freely, express their views without governmental restrictions, hold private property, and pursue private interests. Elections are free and regularly draw high levels of participation. No charges of human rights violations came to light during 1985.

Since World War II, Austria has served as a country of first asylum for nearly 2 million refugees from Eastern Europe. During periods of crisis and upheaval in Eastern Europe, refugee arrivals rise significantly. In 1981, for instance, more than 29,000 Poles used Austria as their country of first asylum. During "normal" years, Eastern European refugee arrivals average 5,000 to 6,000 (calendar year 1984 saw a slight rise to 6,483). Austria spent approximately \$30 million in 1984 on refugee reception, care, and maintenance.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There were no reports in 1985 of politically motivated killings either by Government authorities or opposition groups. An Arab terrorist group, however, killed four persons and injured many more in an attack on the Israeli airline passenger ticket counter in Vienna airport in December. Two terrorists were captured.

b. Disappearance

There were no abductions by authorities in 1985.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture in Austria is banned by Article II of the European Convention for the Protection of Human Rights and Fundamental Freedoms, which is incorporated into the Austrian Constitution. There is no evidence of any violation of this provision.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary detention or exile. The law provides for investigative detention for 72 hours, by which time an investigative judge must decide on the legality of the detention. Provided the investigative judge agrees, the accused may be held in detention pending completion of an investigation for up to a maximum of 2 years. Grounds for investigative detention are enumerated in the law, as are conditions for release on bail. A law which went into effect on July 1, 1983, reforms the provisions concerning detention

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by shortening pretrial procedures, restricting the number of detentions, except in the case of persons who have or are alleged to have committed major crimes, and providing better legal protection for detainees. There are no allegations that these provisions for investigative detention have been violated.

Detention for minor infractions of administrative law may be imposed by the administrative authorities but is subject to court appeal. The Government is considering legislation requiring increased judicial control of such proceedings. In 1984, a total of 1,957 persons were held for varying periods of time in investigative detention.

e. Denial of Fair Public Trial

The Austrian judiciary is independent from the executive and the legislative branches of government. Trials are public. Judges are appointed for life and cannot, in principle, be removed from office. Jury trials are prescribed for major offenses, and those convicted have the right of appeal. Written charges must be presented to the accused, who have the right of representation by a lawyer. Detention pending investigation is restricted to only certain cases.

Concerned about the possibility of executive interference in the Austrian judicial system, critics argue that the public prosecutors' lack of independence from the Ministry of Justice opens the way for possible governmental meddling. To rectify this possible defect, the Government is considering introducing a law which would require that directives issued by the ministry to the public prosecutors be made public.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

A 1978 law provides for the protection of personal data collected, processed, or transmitted by government agencies, public institutions, and private entities. Constitutional provisions also protect the secrecy of the mail and telephone.

The privacy of family life is respected. There is no effort by the Government to monitor or control family life.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Freedom of speech and press are guaranteed by the Constitution and respected in practice. Austria has a free, independent, and multifaceted press, ranging from conservative to Communist.

Publications may be removed from circulation if they violate legal provisions concerning morality or public security. As a matter of practice, such cases are extremely rare. Opposition viewpoints are given wide attention in Austrian publications. Austria's well-established democratic political system, its active and independent press, and its effective judiciary combine to assure continued freedom of speech and press.

AUSTRIA

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association. The Austrian State Treaty of 1955, though, makes an exception to this principle in the case of Nazi organizations and activities. The constitutional law of 1945 also prohibits Nazi organizations. The law on the formation of associations stipulates that permission to form an association may be denied if it is apparent that the organization will pursue the illegal activities of a prohibited organization.

Public demonstrations require a permit by the police authorities. In processing such applications, the police may consider only the public safety aspect of the proposed demonstration and not its political purpose. Permits are routinely issued.

Trade unions have an important voice in the country's political life due to their role in the social partnership, an unofficial system by which Austria's economic policies are determined by labor and management representatives. Labor is organized in 15 national unions, each of which is a member of the Austrian Trade Union Federation. This organization has a strong, centralized leadership structure. Individual unions and the Federation are independent of government or political party control. Unions have the right to organize workers, to negotiate wage agreements, and to strike, although strikes in Austria during the postwar period have been rare. Two members of the present Cabinet are presidents of national unions, and the current president of the lower house of Parliament is also the president of the Federation. Nearly 60 percent of the work force is organized in trade unions. The Federation is a member of the International Confederation of Free Trade Unions and also provides the worker delegate for Austria's International Labor Organization delegation.

By law, most employees must be members of the Chambers of Labor. This organization, which is unique to Austria, represents workers' interests vis-a-vis the Government whereas the unions represent the workers vis-a-vis the employers. The leadership of the trade unions as well as of the Chambers of Labor is elected through democratic balloting. A large number of trade associations and other professional groupings are further testimony to freedom of association in Austria.

c. Freedom of Religion

This right is guaranteed by the Constitution, although the Treaty of St. Germain, which also is a constitutional provision, restricts this freedom to the practice of religions which are compatible with public safety and morality. In order to qualify as a recognized religious organization under Austrian law, religious groups register with the Government.

Although 85 percent of the Austrian population is Roman Catholic, most of the world's major religions are represented in Austria. Despite its dominant position in the country, the political influence of the Catholic Church has steadily diminished since 1945 and is no longer considered a major political force. Although anti-Semitism has practically disappeared from public view, several recent surveys suggest it is still latently present among significant numbers of Austrians.

AUSTRIA

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions concerning freedom of movement within the country or the right to change residence or workplace. Austrian residents are free to travel or to emigrate. Citizens who have left the country have the right to return. No area of the country is closed to travel.

Austria serves as a country of first asylum for refugees from Eastern Europe, and as a transit point for Soviet-Jewish emigrants on their way to Israel or other third countries. Once in Austria, refugees are not forcibly returned to their country of origin. The Government has drastically limited the issuance of work permits to non-Austrians in an effort to reduce domestic unemployment. Austria's guest worker population, which averaged 226,400 in 1973, stood at 146,871 as of September 1985.

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

Austria is governed through a democratic parliamentary system. Under the Constitution, elections must be held at least every 4 years. The 1983 national elections resulted in a change of government in Austria. The Socialist Party lost its absolute majority in the Parliament and went into coalition with the Freedom Party. Several small parties also contested the elections, including the Communist Party, but they did not receive sufficient support to elect candidates to the Parliament.

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

No charges of human rights violations were brought by international or nongovernmental organizations during 1984. Austria recognizes the competence of the Human Rights Commission in Strasbourg for implementing the European Convention. Austria concerns itself extensively with international human rights matters. Representatives of oppressed groups frequently visit Austria and meet with Government officials and political leaders to explain their views. Because of Austria's geographic position, such meetings frequently focus on the human rights situation in Eastern Europe. Austria hosted a Council of Europe conference on human rights in March 1985.

Amnesty International is the major nongovernmental human rights organization active in Austria. Austrians also provide financial support for the "Bruno Kreisky Foundation," which was formed in 1976 to honor distinguished human rights activists. Amnesty International did not mention Austria in its 1985 Report. Freedom House rated Austria "free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Austria has a population of 7,556,000 with an annual growth rate of minus 0.3 percent. Per capita gross national product in 1984 was \$8,502. Austria has a developed economy and enjoys a high standard of living.

AUSTRIA

Austria has an extensive public welfare system, the benefits of which are available to all citizens on a nondiscriminatory basis. These programs provide pensions for the retired, health benefits, and payments during periods of unemployment. Life expectancy at birth was 69 years for men and 76 for women in 1984. The infant mortality rate for 1984 was 11.5 per 1,000 live births. The literacy rate is nearly 100 percent.

There is no minimum wage in Austria, but anyone whose income falls below the official poverty line (approximately \$3,500 per year) is eligible to receive social welfare benefits. According to official statistics, 289,600 Austrians were living below the poverty line in 1984.

Since 1975, the legal Austrian workweek has been established at 40 hours, although workers in several key branches have attained reductions below this level recently. The minimum working age in Austria is 15. The Labor Codification Law and the Labor Protection Law are among the more important legal instruments for ensuring workers' rights and decent working conditions. A labor inspectorate attached to the Justice Ministry conducts routine inspections of health and safety conditions at the workplace.

Legal restrictions on women's rights have long been abolished. Women are entering the work force in increasing numbers and have made substantial progress toward economic equality in the postwar era. Nevertheless, significant inequality in practice still exists in political, economic, and social fields despite legislation enacted in 1977 and 1979 to reform family law. In 1984, approximately 40 percent of the work force was composed of women. Men, however, earned 49 percent more than women overall. Among men and women with equal training and education, men earned one-third more than women. Women participate fully in the electoral process and constitute 53 percent of the Austrian electorate. Since 1983, a state secretary, a woman in the Chancellor's office, has been responsible for women's issues within the Government.

The human rights of Austrian minorities are respected, but the Slovene minority in the province of Carinthia is concerned about the future of Slovene-language instruction in local elementary schools. The Slovenes fear that changes in the province's bilingual education system, which some German-speaking groups advocate, would effectively eliminate Slovene from most provincial elementary schools. The three major political parties, however, oppose the proposed changes, and it appears that bilingual education in Carinthia will continue in its present form for the foreseeable future.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: AUSTRIA

	1983	1984	1985	

I.ECON. ASSIST.-TOTAL...	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
A.AID	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0	
B.FOOD FOR PEACE.....	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
TITLE I-TOTAL.....	0.0	0.0	0.0	
REPAY. IN \$-LOANS.....	0.0	0.0	0.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	0.0	0.0	0.0	
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0	
VOL.RELIEF AGENCY.....	0.0	0.0	0.0	
C.OTHER ECON. ASSIST....	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
PEACE CORPS.....	0.0	0.0	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II.MIL. ASSIST.-TOTAL...	0.0	0.1	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.1	0.0	
A.MAP GRANTS.....	0.0	0.0	0.0	
B.CREDIT FINANCING....	0.0	0.0	0.0	
C.INTL MIL.ED.TRNG....	0.0	0.1	0.0	
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E.OTHER GRANTS.....	0.0	0.0	0.0	
III.TOTAL ECON. & MIL...	0.0	0.1	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.1	0.0	

OTHER US LOANS.....	0.0	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	0.0	0.0	

ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	1946-85

TOTAL.....	0.0	0.0	0.0	105.5
IBRD	0.0	0.0	0.0	104.9
IFC	0.0	0.0	0.0	0.0
IDA	0.0	0.0	0.0	0.0
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.0	0.0	0.0	0.3
OTHER-UN	0.0	0.0	0.0	0.3
EEC	0.0	0.0	0.0	0.0

BELGIUM

Belgium is a parliamentary democracy under a constitutional monarchy. Its Council of Ministers (Cabinet), responsible for governmental decisions, is led by the Prime Minister and holds office as long as it retains the confidence of the Parliament. Direct popular elections for Parliamentary seats (excluding 76 of the 182 Senate seats apportioned by other means) are held at least every 4 years under a system of universal suffrage, obligatory voting, and proportional representation.

Domestic security in Belgium is the responsibility of the National Paramilitary Gendarmerie, the judicial police, and a host of municipal police forces. The armed forces play no role in domestic law enforcement.

Beginning in October 1984, Belgium found itself the target of terrorist attacks from a variety of sources, with groups claiming to be Belgian taking responsibility. Some 20 terrorist actions have occurred since then, claiming 2 lives and causing substantial property damage. Terrorism on their own soil is an unaccustomed phenomenon for Belgians. Added to this was the trauma caused when 38 football fans were crushed in the wake of nonpolitical disturbances at a Brussels football stadium last May. These events have increasingly led Belgians to question their personal security and the effectiveness of the forces that are supposed to insure it.

Respect for human rights in Belgium is guaranteed in the Constitution and laws and was observed in practice throughout 1985.

RESPECT FOR HUMAN RIGHTS**Section 1 Respect for the Integrity of the Person, Including Freedom from:****a. Political Killing**

Neither the Belgian authorities nor officially sanctioned groups engage in killings for political motives. Two firemen died in May 1985 after a car-bomb exploded in front of the headquarters of the Belgian Employers Federation. The attack was claimed by the Communist Combat Cells (CCC), a group of apparently Belgian membership that first came to public awareness with the bombing of the offices of an American multinational corporation in October 1984. Although the CCC claimed the deaths were accidental--the police had failed to alert the firemen that the vehicle contained a bomb--terrorist attacks have become an anxious topic for Belgians and their Government.

The CCC and as many as four other groups state that they have targeted NATO and police installations, companies doing business with the military, and other political groups or private businesses for attack. After bombing a Brussels gas company on October 8, 1985, the CCC urged voters to void their ballots in the parliamentary elections to follow 5 days later. Security forces, principally the Gendarmerie, have captured evidence that seems to link French terrorists with local groups.

BELGIUM

b. Disappearance

Abductions, secret arrests, or clandestine detentions by official or quasi-official security forces contravene Belgian law and are unknown in practice.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Penal Code's prohibition on the deliberate mistreatment or injury of another is applicable to the actions of both officials and private individuals. Although crowded and aging prisons are an issue in Belgium, torture and other inhuman punishment are unknown in practice. There are no differences in the conditions of confinement based on race, sex, religion, or social class.

d. Arbitrary Arrest, Detention, or Exile

Freedom from arbitrary arrest and imprisonment is guaranteed by law and respected in practice. Arrested persons must be brought before a judge within 24 hours or released. Belgian law provides for pretrial confinement only under special circumstances: when a person is apprehended in the commission of a criminal act; when there is a risk that the suspect will prove a danger to the community; when there is a risk that he will flee the jurisdiction; and when the case involves one of a number of serious offenses specified by law. The justification for such confinement is subject to periodic review by a panel of judges.

In practice, there is growing concern among local human rights groups and parliamentarians that pretrial detention is sometimes abused. Bail exists in principle under Belgian law but in practice is rarely granted. There is no limit on how long an accused may be held prior to coming to trial. The Belgian Attorney General, in a speech marking the beginning of the 1984-85 session of the Supreme Court, said that in numerous cases judges fail to limit pretrial detention to those cases that truly meet the standards of public safety and the likelihood of flight. He also warned judges that pretrial detention should not be used to punish an accused before trial.

Forced labor is legally prohibited and is unknown in practice.

e. Denial of Fair Public Trial

A fair public trial, including the right to counsel, is guaranteed by law and honored in practice. A suspect is charged, if the evidence so warrants, when the preliminary judicial investigatory phase is completed. Charges are clearly and formally stated. No one is imprisoned because of his political beliefs.

Belgium was the subject of a 1984 decision by the European Court of Human Rights which condemned legal proceedings against a man whose prosecutor when he was first arrested later became one of his judges. In 1985, the European Commission on Human Rights accepted a similar case for review involving the independence of the judiciary and prosecution.

BELGIUM

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Freedom from arbitrary interference with privacy by the State is guaranteed by law and respected in practice. Participation in the political process and enjoyment of civil and personal liberties are not inhibited. The Constitution specifically guarantees the inviolability of the home, except in cases specifically regulated by law. The law forbids searches of private homes at night, except in special circumstances. Warrants issued by a judge are required unless the inhabitants of the domicile agree to the search. The Penal Code provides penalties for all violations of the home by officials as well as by private persons. Monitoring of telephones and interference with mail are strictly prohibited.

Section 2 - Respect for Civil Rights, Including:

a. Freedom of Speech and Press

These freedoms are guaranteed by law and respected in practice. Varying political, religious, philosophical, and artistic views are permitted free public expression, and there is no political censorship of the media. There are, however, prohibitions on publications and productions held to undermine "public order" (e.g., extreme pornography and incitement to violence). There are laws against libel, provisions for a citizen's right of reply to media criticism, and restrictions on criticism of government policies by civil servants. Belgium has state-owned radio and television programs which are supervised by boards of directors representing the main currents of opinion. The Government has a representative on the boards but no control or veto power. "Free" (not state-owned) radio stations operate openly, although their legal status is ambiguous. Most urban homes also have access to foreign television from neighboring countries via cable.

b. Freedom of Peaceful Assembly and Association

Subject to regulations to preserve public order, political, civic, religious, artistic, social, and special interest groups are permitted free public assembly. Groups protesting government policies or actions and labor unions are free from harassment and persecution, although permits are required for open-air assemblies.

The right to organize, strike, and bargain collectively is recognized and exercised freely. Government austerity measures sometimes limit or alter the results of collective bargaining. This was the basis of a 1983 complaint to the International Labor Organization by one of Belgium's two major labor confederations. The degree of union organization is one of the highest in the world--approximately 70 percent of the work force. Labor unions are strong and independent of the government but have important informal links with and influence on many of the major political parties. The unions do not allow their leaders to hold political office.

c. Freedom of Religion

Belgium has a long tradition of religious tolerance. The Christian, Jewish, and Muslim religions are accorded "recognized" status in law, which includes a government

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subsidy. "Nonrecognized" religions enjoy full freedom to practice and are not subject to harassment or persecution.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Belgian citizens enjoy freedom of travel within the country and internationally, including the right of voluntary repatriation. A law took effect in May 1985 that gives six municipalities in the greater Brussels region the right to refuse to register new foreigners--defined as citizens of non-European Economic Community countries--as residents. Such registration is required of all persons residing in Belgium, with some exceptions. To date all six municipalities have taken advantage of the new law, whose effect is to limit the freedom of foreigners to decide where in Belgium they may reside. On the other hand, anyone arriving in Belgium may claim political asylum, and will be allowed to stay in Belgium long enough to pursue that claim. Belgium automatically grants the right of political asylum to those foreign nationals who are recommended by the local office of the U.N. High Commission for Refugees.

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

The last elections were held on October 13, 1985 when Prime Minister Martens' center-right coalition emerged with an enhanced majority. Participation in the political system is open to all citizens. Suffrage is universal for all adults (18 and over), secret, and compulsory. Unweighted voting (one person/one vote) has been in effect since 1919 for men and since 1949 for women. There are 13 parties currently represented in the Parliament. Opposition parties are free, under law and in practice, to operate without constraints or repression.

The existence of Dutch- and French-speaking regions poses significant problems for the Belgian State. All major institutions, including political parties, are divided along linguistic lines. There are special provisions for Dutch-, French-, and German-speaking councils at the community level. Regional and linguistic needs are taken into account in national decisions.

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

The Belgian Government has been active in the United Nations and other international forums concerned with human rights and has promoted independent investigation of alleged human rights violations. No requests have been made for outside investigation of the human rights situation in Belgium. There are several active independent human rights groups in Belgium, and they consider the Government open to discussion of any human rights question.

Amnesty International did not mention Belgium in its 1985 Report. Freedom House rated Belgium "free."

BELGIUM

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Belgium's population in 1985 was 9,885,000 and was growing at the rate of only one-tenth of one percent annually. Per capita gross national product was \$9,150 in 1983. In 1985 Belgium's economy continued to suffer from slow growth and high unemployment, the latter at slightly less than 14 percent. According to the World Bank, governmental policies to increase employment and an extensive system of unemployment compensation and other social benefits have helped to minimize individual financial hardship.

Food, shelter, health care, and education are available to all inhabitants regardless of race, religion, sex, ethnic background, or political opinion. The literacy rate is 98 percent. In 1985 life expectancy was 73.6 years, with the infant mortality rate 10 per 1,000 live births. In 1982, nearly 99 percent of the children eligible for primary education were enrolled. School attendance is mandatory until age 18 for both sexes.

The minimum age for employment of children is 16, and children can work and study part time from age 16 to 18. Belgian working hours, mandated by law and collective agreement, are the shortest in Europe, averaging 37 hours a week. There are generous legal provisions for minimum wages (currently almost \$600 a month for full-time work for those over 21 years of age, with a slightly lower youth minimum), vacations, and unemployment benefits. Adequate health and safety legislation exists, supplemented by collective bargaining agreements, and health and safety committees are mandated by law at enterprises with more than 50 employees.

Belgium is active in the area of women's rights. The Consultative Commission for the Condition of Women, attached to the Ministry of Foreign Affairs, advises the Government on international women's issues. Within the country there are several other commissions on women's rights which deal with oversight of women's education and working conditions. There are numerous women members of the Senate and Chamber of Representatives, and there are two women in Cabinet posts.

Belgium is a culturally active, pluralistic society in which individual differences in general are respected, and linguistic rights in particular are protected. Some 57 percent of Belgians are native Dutch speakers living primarily in the northern provinces that constitute Flanders, 42 percent are French speakers living in the capital, Brussels, and the southern provinces called Wallonia, and the rest are German speakers living along the eastern border. These language differences have been the subject of hundreds of laws over the last century, leading to a fairly rigid structure designed to protect each language group from cultural, economic, or political dominance by the others.

Nearly 1 out of every 10 persons living in Belgium is foreign-born. Some 25 percent of the residents of Brussels are foreigners, resulting from a concentration of primarily north African immigrants who have a profound effect on the social and economic mix. The immigrant population tends to be poorer, less skilled, and less educated than the average, and increasingly the focus of public debate.

BULGARIA

Bulgaria is a Marxist-Leninist state ruled by the Bulgarian Communist Party. The Communist leadership holds a monopoly of power and seeks to direct and control all political, economic, social, and cultural activities. A second, much smaller party, the Bulgarian National Agrarian Union, is represented in the Government and the National Assembly (Parliament) but is totally subservient to the Communist Party. No other political parties are tolerated.

An omnipresent network of state security police and militia at all levels of society has succeeded in suppressing most open expressions of opposition to the regime.

The combined effects of economic mismanagement and poor weather brought about a decline in economic growth in 1985. There were shortages of some basic commodities and of energy, and electric power had to be rationed nationwide.

The Bulgarian Constitution provides for certain basic rights, including the right to citizenship, work, rest, access to health care and free education, free speech and press, association and demonstration, and freedom of worship. In practice, these freedoms are abridged or circumscribed to varying degrees, and they may not be exercised in any way detrimental to Communist Party control. All challenges to this control are met quickly, firmly, and harshly.

The human rights situation in Bulgaria deteriorated sharply during 1985. In a departure from past practice, the regime compelled the entire Turkish-speaking minority, some 600,000-900,000 persons, to abandon their Turkish and Muslim names and adopt Bulgarian and Christian ones. Army troops and the paramilitary militia enforced the name change decree, often at gunpoint. A media campaign claimed that minority members were spontaneously, simultaneously, and voluntarily rediscovering their authentic Bulgarian heritage, which had allegedly been repressed hundreds of years earlier during Ottoman times. This contradicted the regime's former recognition of the Turkish minority. Use of the Turkish language was forbidden in 1985 (a ban enforced by fines), Islamic religious observances were derided in the media, some practices were banned outright, and worshipers suffered official harassment.

Beatings and mistreatment of political prisoners continued, as did arbitrary arrest and detention of persons critical of the authorities. The Government maintained its constant, widespread interference in the affairs of its citizens through its system of surveillance, electronic monitoring, mail censorship, and control of information.

Reported acts of terror in 1985 included the bombing, with fatalities, of a train near Bunovo, as well as bombings of a hotel in Sliven and a munitions plant in Plovdiv, among other incidents. The identity of those carrying out such acts and their motivations, however, are not known.

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

a. Political Killing

Regime-controlled media deny any violence occurred during the Government's forcible name-change campaign against ethnic

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Turks, but officials privately have admitted "excesses." Numerous sources report deaths and injuries caused by security forces, including the Army, among Turkish-Bulgarians resisting this repression of their cultural identity. The number of deaths is variously estimated to range anywhere between a few dozen and several hundred, with injuries suffered by many more people, but these figures are impossible to confirm. Some Bulgarian police and security personnel were also reported killed or wounded. The casualties were incurred mainly in rural parts of Kurdzhali, Sliven, Ruse, and Razgrad districts from December 1984 to February 1985.

b. Disappearance

There were no known cases of disappearance during 1985 at the hands of official or quasi-official security forces.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

According to credible reports by human rights advocates and their families, beatings continued to be a feature of imprisonment in Bulgaria. Many persons apprehended while attempting to leave Bulgaria without authorization have reportedly suffered severe abuse at the hands of border guards. Political prisoners, including intellectuals, are held together with common criminals and subjected to brutal treatment by these elements as well as by their guards. These practices are confirmed by veteran inmates from various prisons, including Sofia's Central Prison and forced labor camps at Devnia, Belene Island, and Debelt. A dissident legal scholar, Yanko Yankov, is reported to have been badly beaten by guards at Pazardzhik Prison and to have been denied medical treatment. According to a dissident former graduate student confined at Debelt, the guards there delegate the task of beating political offenders to criminal inmates.

Prison conditions reportedly vary. According to one prisoner, cells at Sofia's central prison went unheated during the early months of 1985, but despite the winter temperatures inmates were not issued any additional clothing. On the other hand, a penal veteran referred to Stara Zagora Prison as a relative "paradise" where a correct regime is followed despite Spartan conditions. At the Razvigor Street Jail in Sofia, prisoners are held two to a cell during pretrial investigations. The cells measure one and a half by two paces and are furnished only with a plank bed or pallet. Each cell is illuminated around the clock by a single naked bulb. The diet is poor. There are no exercise or recreation areas, although detainees may remain at Razvigor for several months. While Razvigor inmates endure lengthy interrogation sessions, there are no known complaints of beating in this jail.

d. Arbitrary Arrest, Detention, or Exile

Bulgarians may be detained, tried, and punished for many actions which elsewhere are considered political in nature. For example, there are many credible reports that ethnic Turks were confined in 1985 as actual or merely potential resisters to forced name changes. Similarly, unauthorized demonstrations, public expression critical of the Government, or the mere act of entering a Western embassy by Bulgarians can bring interrogation, detention, or arrest for having committed a "crime" even though such activity is not illegal.

BULGARIA

Although the principle of habeas corpus exists under the Bulgarian Criminal Code, it appears to have been grossly violated during the Government's repression of the Turkish minority. On paper, the law stipulates that preliminary detention is limited to 10 days, and then only when evidence appears to justify later indictment. However, several cases are known of persons being confined for longer periods without charges being lodged. Following arraignment, the law permits detention for up to 6 months before indictment. Under Bulgaria's Criminal Code the accused must be informed of the charges against him.

Through administrative regulation, persons may also be subject to an informal system of control in which they are detained at their place of residence and must appear at the local police station several times daily. Another form of punishment is forced change of domicile or internal exile. A person's right to live in a certain town may be revoked, and he may be required to move to a town far away from family and familiar surroundings. Banished persons are often sent to remote villages to perform agricultural labor. Their identity cards are stamped to note restriction to a particular locality. Should exiles or persons under such administrative control leave despite these prohibitions, they may face actual imprisonment. One such case in 1985 involved a person named Iliya Minev who was sentenced to 5 months' imprisonment for violating the terms of an administrative order restricting his movement.

Political offenders are required to do hard labor. For example, forced labor internees are assigned to the most hazardous jobs at the Devnia chemical plant but at rates of pay considerably below those of their nonprisoner coworkers.

e. Denial of Fair Public Trial

Bulgarian law and common practice provide for public trial in criminal cases. Defendants are entitled to counsel, but only after the preliminary investigation, sometimes lasting many weeks, has been completed and an indictment prepared. When legal counsel is finally available to the accused, it often cooperates with the prosecution. In theory, the accused is informed of the charges against him, but recent practice indicates that detainees are often not told precisely under what statutes they are being held.

Bulgaria releases no figures on the number of political prisoners and detainees. Several thousand such persons is a reasonable estimate for 1985, including those caught while trying to escape across the country's borders, as well as Turkish-Bulgarians rounded up in the early months of the year.

Special court procedures are followed in cases involving state security. Trials with political implications, such as the proceedings against Yanko Yankov and a confederate, Tseko Tsekov, for "defamation of the state," are not open to the public. At Yankov's trial, the court refused to enter a portion of his testimony into the transcript when it became evident that this material could embarrass a close relative of a high government official.

Generally, the Bulgarian judicial system seeks to maintain at least the appearance of observing legal norms. However,

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although the laws themselves are codified, published, and readily available for reference, numerous procedural and administrative regulations are not. Frequently, such regulations, access to which is restricted, are invoked arbitrarily. The defendant and his counsel have little recourse, since the validity or applicability of the regulation in question cannot be challenged. These procedural regulations play a central role in the judicial system and enable the Government and its prosecutors to manipulate the circumstances and outcome of trials. Despite such restrictions, some defense lawyers enjoy a reputation among defendants for courage and honesty despite pressure on them from the security apparatus.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government interferes in the private lives of its citizens in many ways. An elaborate system of informers directed by the party and security apparatus, represented in virtually all workplaces, residential areas, and social organizations, monitors the daily lives of Bulgarians for signs of dissidence or other unacceptable behavior. Bulgarians assume that security personnel may monitor their telephone conversations and read their mail.

In October 1985 the authorities reimposed a curfew on youths of middle school age and younger. Adolescents no longer may attend evening film or theater performances without adult accompaniment. A decree effective November 1, 1985 also stipulates that boys must wear short hair while girls with long hair must adhere to a particular style. A stricter student dress code has been imposed, and teachers were warned that they are to be judged henceforth by the level of discipline and behavior of their students. The decree also compels unemployed persons aged between 15 and 30 to accept jobs assigned to them or to find jobs on their own.

Sanctity of the home is nominally safeguarded by law, and police may not legally search property without prior permission from a court or prosecutor. However, searches may be undertaken in urgent situations before judicial permission is given. The authorities are required to issue an itemized receipt for property confiscated during a search. In one recent case, a defendant facing trial refused to sign this document, charging that it contained falsehoods. In court, the defendant reported that his signature was forged on the document, but a judge admitted it as evidence over the defense lawyer's protest.

The Government regiment the private lives of its citizens. In May 1985 the National Assembly enacted a revised Family Code incorporating controversial features that made divorce more difficult to obtain. Its intention was to promote family stability and population growth. The Code regularizes a process whereby a couple's employers are brought into mandatory marriage reconciliation efforts even if both parties to the marriage are intent on its dissolution.

Virtually all citizens are members of "mass" political organizations. Children and young adults belong to the Pioneers and Komsomol, while their elders join the Fatherland Front, a mass organization, or, in the case of the elite, the Communist Party. There appears to be strong pressure on all

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citizens at least to pay dues and become nominal members of these organizations. Those who refuse--an extremely small percentage of the population--are likely to be denied normal promotions and other benefits and to come under official scrutiny.

The Government attempts to insulate the populace from most kinds of contact with non-Communist foreign influence. International mail and telephone conversations are closely monitored, and Western shortwave radio broadcasts have been subjected to periodic jamming. The Voice of America is not jammed, however. Western news publications, except for those of Communist parties, are usually not on sale. Authorities make them available at hotels on a very limited basis when important international meetings convene, e.g. UNESCO's October-November 1985 conference in Sofia. Even then, however, security personnel seek to prevent Bulgarians from buying Western newspapers and magazines.

Some foreign citizens of Bulgarian ancestry have been denied the opportunity of staying in homes of their Bulgarian relatives and friends while visiting the country and have been told to stay in hotels.

The Bulgarian Government's campaign during 1985 of forced cultural assimilation of Bulgarian citizens who are ethnic Turks was a particularly gross example of arbitrary interference into the private lives of individuals. Those who refused to accept new Bulgarian and Christian names were threatened or arrested, and some were reportedly killed by security forces which swept through predominantly Turkish settlements in southern and northeastern Bulgaria. New identity cards were issued, and essential services, even medical care, were denied to persons presenting the old documents with Turkish or Muslim names. The assimilation campaign included a ban on speaking Turkish and wearing Turkish-style clothing. Records, including medical files, were altered to match the new names.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Constitution provides for certain basic rights, including freedom of speech and press. In practice, these freedoms are circumscribed and may not be exercised in any way that might weaken the Communist Party's monopoly of power. Press, radio, and television are under total regime control, with no alternatives tolerated. Laws provide severe punishments for anyone convicted of criticizing the State. The dissemination of "untruthful remarks which might increase mistrust of state power or cause confusion in society" is proscribed. The unauthorized disclosure of certain information, e.g., unpublished economic statistics, is illegal and subject to serious penalties.

Although censorship does not exist officially, the media operate within well-understood party and government guidelines and practices. International news is usually limited to that provided by the government news agency or official Soviet sources. Forbidden topics in the Bulgarian press include unauthorized criticism of party and state leaders, of Communist ideology, and other Communist countries, particularly the U.S.S.R. As for cultural matters within the

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country, the media promote only ethnic Bulgarian achievements, excluding recognition of minority contributions (e.g., Macedonian, Gypsy, Turkish, or Pomak) to national life. The previously Turkish-language newspaper Yeni Isik became Nova Svetlina, a Bulgarian-language periodical which was used extensively by the authorities in their campaign against Turkish culture and customs.

In addition to the all-pervasive party control of the media, self-censorship is practiced carefully by virtually the entire population. For example, acceptable themes are assigned to authors at annual Writers Union congresses, and those not following the directives are unlikely to have their works published.

There have also been instances of interference with academic inquiry in the social sciences. A revision of history undertaken in 1985 attempted to demonstrate that Bulgarian Turks were really ethnic Bulgars whose ancestors had allegedly been pressured during Ottoman times to adopt the Turkish language and customs and the Islamic faith. References to the minority as "Turks" became taboo. This revision contradicted Communist party publications appearing as late as March 1984, which lauded the contributions of "Bulgarian Turks" in national construction.

A person is able to send criticism, suggestions, and complaints by letter to newspapers and to National Assembly representatives on a broad range of topics such as inadequate service from public agencies and housing shortages. None of the letters published, however, goes beyond criticism of specific economic or service shortfalls or failure of lower-level officials in government administration. On some occasions, an issue of social policy is opened to limited public discussion. For example, some debate on the draft for a new Family Code was permitted, but despite widely expressed dissatisfaction with the Code's restrictive features, it was enacted into law without significant changes.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of association and demonstration. In practice, the State decides which social and political organizations may exist. Private associations are totally unknown, and the law provides for punishment of anyone "founding an illegal, antistate organization." In Mikhailovgrad, a human rights group of about 16 persons was broken up in 1984, and its members were all arrested. Freedom of assembly is a right granted only to legally constituted organizations and only for approved purposes. Attendance at public demonstrations is a duty assigned by schools and enterprises to their members. In late 1984 and early 1985, unauthorized demonstrations by ethnic Turks to protest forced cultural assimilation occurred in some southern Bulgarian towns. These gatherings were forcibly disrupted.

All Bulgarian labor unions are organized and totally controlled by the Communist Party. According to the unions' official statutes enacted in 1982, their purpose is to educate their members in a spirit of affection and devotion to the party, to instill patriotism and loyalty to the Soviet Union, and to prepare working people for Communist society. Union members are not in a position to negotiate or strike for better pay or working conditions, nor may they organize

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outside the existing unions. Union leaders represent the interests of management, and there is no mechanism for collective bargaining.

The unions have not defended workers dismissed from jobs because of political transgressions. Such workers are sometimes blacklisted by security authorities, effectively barring them from further employment. Bulgarian trade unions are assigned a role in ensuring the job safety and general social welfare of their members. Bulgarian trade unions maintain ties with Communist-controlled unions and labor confederations abroad, and Bulgaria is a member of the International Labor Organization.

Lawyers, doctors, artists, musicians, writers, and academics are represented by professional associations which also have the party-assigned function of controlling their membership. Professional associations have contacts with their foreign--including Western--counterparts and arrange foreign travel for trusted members to attend conferences and take part in international exchanges.

c. Freedom of Religion

Although the Constitution provides for freedom of worship, the authorities espouse atheism and discourage religion. Openly expressed religious conviction is incompatible with party membership or the attainment of responsible government position. Nevertheless, a number of faiths are recognized, including Islam, Judaism, and various Christian denominations. Banned, however, are the Ba'hai faith and the Dunovist sect, an indigenous movement which flourished in pre-Communist Bulgaria. Relations between the Government and church organizations are regulated by the Committee for Questions of the Bulgarian Orthodox Church and Religious Cults, which is organized under the Ministry of Foreign Affairs. It reviews all clerical appointments, and on occasion, as happened during 1985 to the Evangelicals, will impose a candidate of its own over the opposition of local congregations.

The Bulgarian Orthodox Church, the established religion before the Communists took power, is the largest and most acceptable in the Government's view. This is in recognition of the Orthodox Church's historical and cultural role in Bulgaria's past, as well as of its continuing appeal to ordinary Bulgarians. The Orthodox Church receives substantial government financial support, and in return voices concurrence with Government propoganda on such themes as peace and disarmament.

The Orthodox Church is allowed to print a newspaper, distill and market some alcoholic beverages, and sell religious articles such as candles, small jewelry crosses, etc. A Bulgarian-language Bible was published in 1982 in only 2,000 copies and distributed domestically, but it is now out of print. Although the authorities tend not to interfere with older worshipers, they try to dissuade young churchgoers from entering churches or circulate among them demanding to see their identity cards.

Ethnic Turks make up the majority of Bulgaria's Muslims, the remainder being Gypsies or Slavic Pomaks. Muslim believers have been inhibited from practicing their religion by the

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closure of many mosques and by prohibitions against religious education of children. Although Sofia's main mosque is being slowly renovated with some government funds, many other mosques throughout the country have fallen into disrepair, or have been converted to other uses, e.g. a barbershop in Pleven. Many Muslim graveyards have been obliterated. Certain architecturally notable mosques, as at Razgrad and Shumen, have been preserved as "cultural monuments" but are closed to actual worship.

Muslims have no access to Korans, which are not printed in Bulgaria. Since the Communist takeover in 1944, only three Bulgarian Muslims have been permitted to undertake the Hajj, or pilgrimage, to Mecca. Muslim rites of circumcision and burial are banned, as is the observance of religious holidays. In 1985, Communist newspapers openly ridiculed the Muslim practices of almsgiving on certain holidays and fasting during the month of Ramadan. Bulgaria permits ritual slaughterers from Arab countries to come and supervise the preparation of mutton for export to their lands, but these meat supplies are not released to domestic Bulgarian Muslim consumers.

Bulgaria's Jewish minority of about 5,000 mainly middle-aged and elderly persons is free to attend worship services. Jews in Bulgaria have not suffered anti-Semitic repression. A number have traveled to Israel and have received family visitors from that country. Sofia's Sephardic Synagogue received some government funds for refurbishing as a national architectural monument, but work is at a standstill. The synagogue's prayer books are old, and no replacements are available. No kosher meat is obtainable. However, Jews are permitted to bake and distribute Passover matzoh bread without hindrance. Sofia's Jewish Cultural Center emphasizes the community's ethnic, not religious, identity. This Center publishes a secular newspaper stressing pro-Communist, anti-Zionist themes.

Roman Catholics are few in number, and divided between followers of the Latin and Uniate rites. Church sermons hew closely to topics of personal piety and avoid social and political issues. In 1985, after years of applying for residence permission, Sofia's Latin-Rite Roman Catholic priest was granted authorization to remain overnight in the capital. He had formerly been required by the militia to commute daily from his home outside the city. The church's candidate for a successor to the Bishop of Plovdiv has been rejected by the Bulgarian Government, and the see remains vacant.

No religious groups may engage in open proselytizing, and foreign missionary activity is banned in Bulgaria. Formal religious education of children is prohibited, but some youngsters do enter churches with family members for services. Several denominations have privately complained about the lack of scriptural materials.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government controls where Bulgarians live, work, and travel. All Bulgarians carry a personal identity card with them at all times stating their legal place of residence and work. Without this card, they cannot purchase domestic airline tickets, register at a hotel, or seek any kind of

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social service such as medical assistance. To change one's place of residence or work is a complicated process unless the change is at the Government's initiative and convenience. Moves to Sofia and other major cities from smaller settlements are especially difficult because of the official desire to control urban growth. Travel within the country by Bulgarians is generally unrestricted except in border zones. In 1985, however, roadblocks were common in regions where the Turkish minority is concentrated. Foreign travelers often were prohibited from entering these nominally open areas. Truck drivers from Turkey transiting Bulgaria to and from Central Europe were restricted to the main highway and prohibited from stopping.

Foreign travel by Bulgarian citizens is extremely restricted, except to Eastern European Communist countries. Bulgarian citizens must have a passport for foreign travel and an exit visa specifying the destination for each trip. If they go to a country not mentioned in the exit permit, they can face serious complications upon their return home. Applications for exit documents often are refused because the travel is deemed "not in the interest of the state" or "not suitable in view of the present international situation." Frequently no explanation at all is given for the refusal. Applications for purely tourist travel to the West are rarely granted, except to trusted and highly placed persons. Even then, the spouse or minor children almost always must remain in Bulgaria.

Emigration is possible under Bulgarian law, but it is rarely permitted. Despite Turkey's 1985 offer to accept ethnic Turks wishing to emigrate, Bulgarian officials warned that ethnic Turks expressing interest in doing so would be forcibly resettled elsewhere in Bulgaria. However, the Government occasionally permits members of divided families, including spouses, to join immediate relatives in the West in accordance with the Helsinki Final Act. In 1985, the authorities resolved 16 of 18 longstanding divided family cases involving American citizens or permanent residents, but new cases developed as passports for emigration were denied to other persons. The Government imposes an education fee on recent college graduates who seek to emigrate without first fulfilling a mandatory period of public service. This period was recently extended from 3 to 5 years for medical doctors. There were sporadic reports in 1985 of demands by Bulgarian authorities for hard currency payments for permission to emigrate for family reunification in the West.

The Government encourages the repatriation of ethnic Bulgarians residing abroad although the right of repatriation is not guaranteed. A number of Bulgarian-born foreign residents and citizens voluntarily return to Bulgaria each year to live in retirement. It is Bulgarian policy to return to their home countries potential refugees from other Warsaw Pact states who have tried to cross the Bulgarian border into Greece, Turkey, or Yugoslavia.

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

Bulgaria is governed by a small ruling elite representing the Bulgarian Communist Party. Rank-and-file party members have little, if any, political power or opportunity to change the party's policies. Nonparty members are effectively denied any role in influencing the policies of their Government or in

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changing its form. Political pluralism and free participation in the political process are essentially nonexistent. Domestic opposition to the State or party is dealt with promptly and severely.

Bulgaria does not have free elections. The regime tries to maintain the appearance of pluralism through the participation of the Bulgarian National Agrarian Union in the Government and the National Assembly. The Communist and Agrarian Parties, together with labor, youth, and other organizations, comprise the Fatherland Front. The Front and its constituent bodies all are ultimately controlled by the Communist Party, to which the Constitution gives clear primacy. The Agrarians run separate candidates in some districts, but they do not compete against Communist candidates or face any other opposition. They hold about one-fourth of the seats in the National Assembly, but all assembly votes are unanimous. The National Assembly, which normally meets for fewer than four brief sessions a year, has no independent role in governing. No debate of alternatives takes place in its chambers, and the Assembly has never failed to endorse regime policy.

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

With the exception of one representative of the U.S. Helsinki Watch Committee in October, who was not allowed to meet with Bulgarian citizens, Bulgaria has not admitted any independent group to investigate questions of human rights violations and has not responded to or communicated with any nongovernmental human rights groups. It is a member of the United Nations Human Rights Commission. The Government rejects all criticism of its domestic situation as intervention in internal matters, yet Bulgarian media report in detail on human rights problems in Chile, El Salvador, and South Africa. Following the 1984 arrest of human rights activists in Mikhailovgrad, no private organizations are known to have met in defense of individual liberties.

Amnesty International in its 1985 Report (covering the year 1984) expressed concern about the imprisonment of prisoners of conscience, allegations of ill-treatment of political prisoners, and the use of the death penalty. Freedom House rated Bulgaria "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

During the past four decades, Bulgaria, with a population of just under 9 million, has changed from an overwhelmingly agricultural country to one with a mix of industry and agriculture. Communist rulers have emphasized state ownership of nearly all means of production, rapid economic growth, central control over the economy, and industrial development. The country remains a large producer of agricultural goods, and Bulgarians may sell produce raised on their own private plots.

In 1985 daily life was disrupted by a nationwide regimen of electric power rationing that resulted from fuel shortages. In some areas, the use of water was restricted. Officially there is no unemployment, but during 1985 the Bulgarian press began openly to criticize traditional policies guaranteeing job security as a disincentive to production efficiency.

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Legislation considered in 1985 would provide for dismissal of enterprise managers who failed to meet their assigned goals. Although Bulgaria has poor people, there do not appear to be overwhelming disparities of poverty and wealth. Success in the party or Government results more in the acquisition of privileges than great personal fortunes.

Bulgaria has achieved success in feeding, educating, and providing for the essential needs of its citizens. A system of government facilities caters to the health needs of citizens. Life expectancy at birth in 1985 averaged 72.71 years, and the infant mortality rate was 16.20 per 1,000 live births. Medical care appears to be adequate. Bulgarian leaders have expressed concern about the country's falling population growth rate (0.3 percent) and have established financial incentives for people to marry and for families to have more children. Despite extensive construction of new public apartment buildings in the past decade, however, an urban housing shortage continues. Students are not charged tuition for education through the university level. A system of merit selection governs university admission, although certain priorities and privileges go to the children of the influential. Adult literacy is high.

Employment practices seem to be in compliance with the legal minimum working age of 16 years. The workweek is set at 42.5 hours, but participation in unpaid supplementary "brigades" can lengthen working hours on various occasions during the year. The State sets wage scales, including minimum wages, and defines minimum pensions. The Labor Code and regulations on pensions are now under review. A national labor safety program exists, but standards of enforcement vary greatly among productive enterprises.

Women are guaranteed equal rights with men, and all citizens are declared to be equal before the law, regardless of national origin, creed, social status, education, or sex. Bulgarian women do not appear to suffer overt discrimination as regards educational and professional opportunities. One-half of the openings for university students available each year are reserved by law for women, who consequently are well represented in some professions such as medicine. However, women continue to be underrepresented in policymaking jobs within the Government, and overrepresented in manual occupations in areas such as farming, light industry, and cleaning and maintenance.

CANADA

Canada is a constitutional monarchy in the British Commonwealth with a federal parliamentary form of government and strong democratic traditions. By universal suffrage, voters elect representatives in the multiparty political system at local, Provincial, and Federal levels. Government responsibilities are defined by a national Constitution subject to interpretation by an independent judiciary. Federal and Provincial election mandates last a maximum of 5 years. Elections are completely free and often result in a changeover of power to opposition parties.

National and local law enforcement are carried out by the Royal Canadian Mounted Police and various Provincial and municipal police forces. Canada's armed forces are under the authority of the elected civilian government and have no role in domestic law enforcement except in extreme circumstances under the War Measures Act (last invoked in 1970 during the terrorist kidnappings in Quebec). All such forces are under the strict control of civilian governments.

Canada has an open economic system that encourages private ownership, investment, and entrepreneurship. The Federal and Provincial Governments exercise moderate controls over areas such as communications and energy in order to encourage Canadian cultural identity and ownership.

Respect for fundamental human rights in Canada is based on the well-established principle of the rule of law. It is firmly established in the Constitution and respected in numerous Federal and Provincial laws which relate to Canadian political, cultural, and social practices. The Charter of Rights and Freedoms, added to Canada's revised Constitution in 1982, guarantees fundamental rights to everyone. The Parliament or Provincial legislatures may enact limited exceptions to certain Charter provisions for up to 5 years (renewable for another 5).

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There was no politically motivated killing by the Government or its domestic opposition in 1985. However, international terrorist acts did occur in Canada. In March 1985, Armenian terrorists attacked the Turkish Embassy in Ottawa, killing a Canadian security guard. Sikh terrorists are suspected of having planted bombs in June on two commercial planes departing from Canadian airports. The first plane, an Air India flight carrying over 300 (mainly Canadian) passengers and crew, crashed into the ocean near Ireland, killing all aboard. Salvagers are currently working to raise parts of the wreckage to ascertain the cause of the crash. The second incident involved a Canadian Pacific Airlines plane that left from Vancouver. A bomb planted in the plane's luggage exploded while being transferred in Japan's Narita Airport, killing two Japanese baggage handlers and wounding four others. Security officials surmise that the bomb may have been aimed at another Air India flight, due to leave from Japan. Terrorist activities in Canada in 1985 have led to

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better security arrangements for airports and diplomatic buildings.

b. Disappearance

Secret arrest, clandestine detention, and politically motivated disappearances have not occurred in Canada.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Legal prohibition of these abuses is carefully respected in practice. Prison conditions generally are adequate.

d. Arbitrary Arrest, Detention, or Exile

The Constitution, subject to override provisions, prohibits arbitrary detention and imprisonment. A person has the right to be informed promptly of reasons for his arrest or detention and to retain counsel without delay. Habeas corpus exists and is honored. Accused persons are generally released on bail pending trial. There are provisions for judicial review at specified intervals in pretrial detention cases.

Acts which may override the Constitution include the War Measures Act of 1914, augmented by a 1981 Federal Cabinet order, which permits a declaration of a state of emergency with suspension of certain basic civil liberties in the event of war or peacetime crisis. In addition, the 1939 Official Secrets Act, which prohibits the private possession, distribution, and publication of information deemed prejudicial to the interests of the state, provides that individuals under suspicion may be arrested without a warrant.

Canada prohibits the use of any form of forced labor.

e. Denial of Fair Public Trial

In both civil and criminal matters, the presumption of innocence and the right to a public trial are fundamental features of the Canadian legal system. Defendants have the right to counsel of their choice. Persons charged with criminal offenses under Federal law may generally take advantage of Provincial legal aid programs subsidized by the Federal Government. These rights and protections are respected in practice.

The judiciary is an independent branch of government. Judges are appointed by either the Federal or Provincial Government, depending on the level and jurisdiction of the court. Secure tenure of judges and standards set by Provincial law societies contribute to judicial independence and impartiality.

The Official Secrets Act allows for trials under its provisions to be held in secret and includes presumption in favor of the state. Prosecutions under this statute are extremely rare, and convictions are hard to maintain in the appellate process.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Federal and Provincial Governments do not interfere with the basic rights of individuals except when there is a

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reasonable presumption that an individual is involved in criminal activity. Police officials face judicial penalties if they abuse a person's privacy (for example, through surreptitious entry or the monitoring of telephones and mail) without first obtaining a search warrant.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

An independent press, an effective judiciary, and a functioning democratic political system combine to insure freedom of speech and press. The desire to protect collective as well as individual rights has led to special protection for language and cultural rights, particularly in the Province of Quebec.

The new Charter of Rights and Freedoms, although granting all Canadians freedom of thought, belief, opinion, and expression, subjects those freedoms "only to such reasonable limits prescribed by law as can be demonstrably justified in a free and democratic society." The "reasonable limits" exception enables Federal and Provincial Governments to legislate against pornography and hate literature and allows the existence of Provincial film boards. In 1985, two persons were convicted on charges stemming from this legislation. One was sentenced to 15 months in prison on charges of knowingly spreading false news likely to cause racial hatred by distributing a pamphlet which proclaimed that the Holocaust was a hoax. The other was fined \$5,000 for allegedly having willfully promoted hatred against an identifiable group by teaching his high school students that the Holocaust was a hoax and that an international Jewish conspiracy existed. Both are appealing their convictions.

b. Freedom of Peaceful Assembly and Association

Associations representing a full range of political opinion may organize and espouse their views freely.

Canadian labor unions represent 40 percent of the nonagricultural work force and enjoy wide freedom of action. Canadian law recognizes the right of labor in both the public and private sectors to organize, associate freely, bargain collectively, and strike. These rights are well established and recognized in practice, although certain groups of public sector employees have limited collective bargaining rights and only a limited right to strike. In November 1985, the Freedom of Association Committee of the International Labor Organization was to review complaints that several Provincial laws which limit the collective bargaining rights of public sector employees violate the principle of freedom of association in Canada.

c. Freedom of Religion

All faiths enjoy freedom of worship and religious expression. The Government gives no official or unofficial preference to any religion.

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d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Canadian citizens and permanent residents can travel in and outside the country, leave, and reenter. The Charter of Rights and Freedoms in the new Constitution strengthens the right of citizens and permanent residents to establish residence in any province and to take up employment there.

Canada is a principal haven for refugees and has played a major role in focusing international attention on the causes of refugee problems. New arrivals enjoy virtually all rights and privileges of Canadians and, after a period in permanent resident status, may become citizens and thereby obtain the right to vote.

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

Canada is governed by Federal and Provincial Governments that are genuinely elected by the Canadian people. Overall governing authority at the Federal level is vested in the House of Commons, whose members are elected by secret ballot through universal suffrage of Canadian citizens 18 years and older, and in a Senate appointed by the Governor General, Queen Elizabeth II's representative as Head of State. In practice, power is exercised by the Prime Minister and the Cabinet, who usually are elected members of the Commons. Elections for the 282 single-member constituencies in the Commons must be held at least every 5 years, and voter participation rates are high.

Three politically diverse parties are represented in the House of Commons, and several others function at the provincial level. All Provinces and territories have similar freely elected legislatures. All Canadians have complete freedom to participate actively in the political process, and incumbent governing parties are often defeated in elections.

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

Canada has vigorously supported efforts to increase the authority of international bodies to investigate and deal with human rights abuses and plays a major role in the U.N. Commission on Human Rights.

The Canadian Human Rights Commission is charged with investigating and resolving complaints of discrimination in government and business activities under Federal jurisdiction and combatting discrimination through information, education, and research. Each Province maintains a similar Human Rights Commission.

In May 1985, Canada hosted the Human Rights Experts Meeting of the Conference on Security and Cooperation in Europe. This meeting served to draw international attention to human rights problems.

Amnesty International did not mention Canada in its 1985 Report. Freedom House rated Canada "free."

CANADA

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Canada's population is approximately 25,399,000 and grows at an annual rate of about 1 percent. Per capita income was approximately \$12,310 in 1983. Canada maintains one of the highest standards of living in the world.

Article 15 of the Charter of Rights and Freedoms, which took effect in April, 1985, guarantees equal benefits and protection of the law regardless of race, national or ethnic origin, color, religion, sex, age, or mental or physical disability. Food, shelter, health care, and education are available to all Canadians. Federal and Provincial governments administer extensive social welfare programs, including unemployment assistance, welfare aid, and a national medical and health insurance program covering all Canadians. Education is free through high school. The infant mortality rate is 8.5 per 1,000 live births, and life expectancy at birth is 71.88 years for men and 78.98 for women. The federally determined poverty line for a family of three is about \$11,977 in urban areas and \$9,874 in rural areas. Additional government and social welfare programs are available to those with incomes below the poverty line.

Labor standards vary from province to province, but all guarantee a sufficient minimum wage (the lowest is about \$2.60 per hour) and limit the standard work week to 40 or 48 hours. Federal and Provincial legislation ensure that working conditions are not hazardous for employees. Child labor legislation also differs among the provinces. The Federal Government generally prohibits those under 17 years of age from working for the Federal Government while school is in session. Provinces generally prohibit those under age 15 or 16 from working without parental consent, working in any hazardous employment, or working at night.

Generally, women participate fully in Canadian society. The enactment of Article 15 will supplement the protection of women's rights, already overseen by a Federal cabinet minister responsible for the status of women and by the Federal and Provincial human rights commissions.

The Federal Parliament passed legislation in 1985 to allow native women and their families to regain Indian tribal rights lost under old statutes when they married non-Indians. Native groups across Canada continue to hold talks with the Federal Government to determine how Indian rights can be better protected under the revised Constitution.

CYPRUS

Cyprus has been divided since the Turkish military intervention of 1974, an event which followed a coup d'etat directed from Greece. Since that time, the southern part of the country has been under the control of the Government of the Republic of Cyprus, and the northern part under an autonomous Turkish Cypriot administration supported by the presence of Turkish troops. In 1983 this administration proclaimed itself the "Turkish Republic of Northern Cyprus," which has been recognized only by Turkey. It held a constitutional referendum and presidential and legislative elections in 1985.

The political systems of the Republic of Cyprus and the Turkish Cypriot administration are democratic and based on free elections, and they guarantee basic human rights to their populations in theory and practice.

Both Cypriot economies are founded on the free enterprise system with stress on private initiative and the right to own property, although the Turkish Cypriot economy provides a far greater role for state enterprises.

The conflict between the Greek and Turkish Cypriot communities during the 1963-74 period, the Turkish intervention in 1974, and the ensuing presence of Turkish troops in the north have led to continuing charges of human rights violations. These events resulted in the uprooting of Greek Cypriots and Turkish Cypriots from the northern and southern parts of the island respectively, and the loss of lives, homes, and livelihoods. Greek Cypriots point to these displacements, the continuing Turkish troop presence, Greek Cypriots missing as a result of the 1974 events, and Turkish Cypriot unwillingness to allow Greek Cypriot resettlement and travel in the north as the fundamental human rights questions in Cyprus today. In contrast, Turkish Cypriots assert the 1974 intervention was legal and necessary to save their community from destruction. They also raise the issue of missing persons, focusing on Turkish Cypriots who disappeared during the 1963-1974 period. The subsequent regrouping of the two communities in separate parts of the island, according to Turkish Cypriots, was necessary for their security.

In August 1984 the U.N. Secretary General launched an initiative to achieve a just and lasting resolution of the Cyprus problem. His efforts are continuing.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

Political killings instigated by government or opposition groups have not occurred in Cyprus since 1974. However, there was politically motivated violence on Cyprus in 1985 carried out by non-Cypriots and related to Middle Eastern conflicts. A Libyan was killed in Nicosia on April 2, three Israelis were murdered by Palestinian terrorists in Larnaca on September 25, a Syrian was killed in Limassol on September 27, and an Iraqi was killed in Nicosia on November 8. Those arrested for the Larnaca killings have been tried and convicted.

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b. Disappearance

Since 1974, there have been no reports of persons abducted, secretly arrested, or held in clandestine detention. However, the issue of persons missing during the 1963-74 period remains a source of dispute between the Greek Cypriot and Turkish Cypriot communities. A tripartite Committee on Missing Persons was established under the auspices of the U.N. Secretary General in 1981, and its investigations are continuing.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Both the Cyprus Constitution and the basic document governing the Turkish Cypriot community specifically prohibit torture. Freedom from cruel, inhuman, or degrading treatment or punishment is guaranteed by law and respected in practice in both communities. Adequate health care is provided in prison and detention facilities, and diet is considered normal. Family members may visit those in detention. After sentencing, prisoners may be visited once a month, or more frequently where humanitarian needs exist. Attorneys may visit prisoners freely.

d. Arbitrary Arrest, Detention, or Exile

Freedom from arbitrary arrest and detention is guaranteed by law and respected in practice by the Government of Cyprus and Turkish Cypriot authorities. The right of habeas corpus is observed. Preventive detention does not exist in law, nor has it been reported in practice. No one may be held for more than 3 days for investigation of a crime without referral of the case to the courts for extension of the period of detention. Most periods of investigative detention do not exceed 8 or 10 days before formal charges are filed. No instance of exile was reported. No complaints of forced or compulsory labor were reported. There are no political prisoners on Cyprus.

e. Denial of Fair Public Trial

In both parts of Cyprus, fair public trial is guaranteed by law. The judiciary is independent of executive or military control. In September, for example, the Supreme Court of the Republic of Cyprus ruled the military courts of the Greek Cypriot National Guard unconstitutional on grounds that their judges were appointed by the Council of Ministers, not by the Supreme Council of Judges. Cases are generally tried before a judge or panel of judges, although a request for a jury trial is usually granted. There are no special courts to deal with security or political offenses. Civilians are not tried by military courts.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Both the Cyprus Constitution and the basic document governing the Turkish Cypriot community provide guarantees protecting the individual against arbitrary interference. A judicial warrant is required, for example, for a police official to enter a private residence. Abuses of privacy run counter to the democratic traditions of both communities. However, Turkish Cypriots complain that mail coming through the

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Republic of Cyprus postal system is often delayed, opened, or not delivered.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

These rights are guaranteed by law and are widely and freely practiced. The press is free throughout the island and represents the entire political spectrum. Opposition papers frequently criticize the authorities. There is no press censorship.

The authorities control radio and television. Although opposition and minority parties complain that they do not receive sufficient attention from these media, the proliferation of party and independent newspapers in both communities enables ideas and arguments to circulate freely.

b. Freedom of Peaceful Assembly and Association

The right, based on law, to associate, organize, and hold meetings is respected in practice.

Trade unions and confederations, both non-Communist and Communist, are free to organize on both sides of the line which divides the two communities. Labor authorities are required by law to mediate disputes in cases which cannot be solved through normal collective bargaining. All Cypriot workers are permitted to strike, although both the Government of Cyprus and the Turkish Cypriot authorities have the power to curtail strikes in what are deemed to be essential services. Each has used it once in 1985, in both cases in relation to striking electricity authority workers.

Unions in both parts of Cyprus freely take part in international meetings. The Government of Cyprus has taken a particularly active role in the International Labor Organization. Labor unions, more than most other organizations on Cyprus, attempt to maintain contact and cooperation across the dividing line.

c. Freedom of Religion

Freedom of religion is respected on Cyprus. The Greek Orthodox Church in the south has the character of a state institution. Since the law does not accord conscientious objector status to any individual or group, there have been arrests, military trials, and imprisonments of Greek Cypriot Jehovah's Witnesses for their refusal of military service. Since the Supreme Court's finding in September that the National Guard's military courts were unconstitutional, those who were convicted and imprisoned by the military courts, including some Jehovah's Witnesses, have been released. If the Government reconstitutes the military courts along the constitutional lines specified by the Supreme Court, those released could again be subject to trial and imprisonment.

Although members of the Latin, Maronite, and Armenian minorities cannot serve in the Greek Cypriot National Guard, this exemption is based on ethnic rather than religious considerations and is generally welcomed by the minorities themselves.

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Approximately 100 Turkish Cypriots still live in the south of the island, and they are allowed to practice their religion freely. In the north, non-Muslims include members of the Christian Maronite minority, a small number of remaining Greek Cypriots, and foreign residents--all of whom are free to practice their religion. Nevertheless, there have been complaints that the welfare of minorities in the north is impaired by Turkish Cypriot restrictions on housing, water, education, and movement. The United Nations Force in Cyprus monitors the welfare of the Greek Cypriots and Maronites in the north as well as that of the Turkish Cypriots in the south.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

Turkish Cypriots and Greek Cypriots enjoy general freedom of movement within their respective areas. Turkish Cypriot authorities regulate travel into or out of the Turkish Cypriot area. They bar Greeks and Greek Cypriots from entering the north and Turkish Cypriots from visiting the south, except when traveling for humanitarian, medical, or other special reasons. The applications of Greek Cypriot residents of enclaves to visit the south are usually granted, but the applicants must return within a designated period or risk losing their right to return and their property. Foreigners coming from the south must obtain permission to enter the north. At the same time, the Government of Cyprus bars the entry into the Greek Cypriot area of foreigners who arrive at Turkish Cypriot ports. Those who enter through the south but wish to stay overnight in the north are discouraged from doing so by the Government. Special regulations apply to journalists.

The right to travel abroad and to emigrate is observed, although individuals facing military service or legal action in either part of Cyprus may not be allowed to travel. Turkish Cypriots have difficulty in traveling to some countries because their travel documents, issued by the Turkish Cypriot authorities, are not recognized. Citizens may repatriate freely.

Refugees who come to Cyprus from Eastern Europe are normally sent to third countries as soon as arrangements for their resettlement can be made.

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

Both the Government of Cyprus and the administration of the Turkish Cypriot community are democratically elected. In their lively multiparty political systems, parties actively and without restriction compete for popular support. Greek Cypriots and Maronites living in the north--the latter having chosen before 1960 to be regarded as members of the Greek Cypriot community--do not participate in Turkish Cypriot elections but elect their own village officials. They are eligible to vote in Greek Cypriot elections but must make their way to the south in order to exercise their right.

Women are less active in politics than men in both north and south, although this is due to custom rather than to any legal impediment. No woman in the north and only one in the south is a member of Parliament, nor are there currently any women of ministerial rank in the north. A woman serves as Attorney

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General in the Government of Cyprus. Two women currently serve as under secretaries in the Turkish Cypriot administration.

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

Cyprus participates actively in the work of the U.N. Commission on Human Rights. For several years the question of human rights in Cyprus relating to the events of 1974 has been on the Commission's agenda but has been regularly postponed by agreement of the parties directly concerned. However, the Government of Cyprus has repeatedly raised elsewhere the question of missing persons unaccounted for since 1974. Representatives of international human rights organizations have open access to both the south and the north.

In its 1985 Report (covering the year 1984), Amnesty International was concerned about the imprisonment of Jehovah's Witnesses for refusing on grounds of conscience to perform military service. Freedom House rated the Greek Cypriot area "free" and the Turkish Cypriot area "partly free" because of the Turkish troop presence.

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The island of Cyprus had a population of 665,000 in 1985, of which about four-fifths were Greek Cypriots and about one-fifth Turkish Cypriots. Per capita gross national product in the south in 1983, according to World Bank figures, was \$3,720. Per capita GNP in the north, according to most estimates, is believed to be one-third that in the south.

The relatively prospering economy in the south is based on manufacturing, trade, tourism and services, construction, and agriculture. The economy in the north, which is closely linked to that of Turkey, is heavily based on agriculture and has problems with high inflation, low investment, and significant underemployment.

Food, shelter, education, and health care are available to members of both communities regardless of race, religion, ethnic background, or political opinion. Both societies are essentially middle class, with a small but prominent wealthy segment. Housing is adequate and is available for displaced persons. Most Cypriots, both Greek and Turkish, are covered by a national health service system. Illiteracy is virtually unknown among adult persons below the age of 55.

The minimum age for the employment of children in an "industrial undertaking" is set at the age of 14. The Cyprus Constitution provides that "every person has the right to a decent existence," and there is extensive legislation guaranteeing acceptable conditions for workers with respect to minimum wages, hours of work, and occupational safety and health.

Throughout Cyprus, the legal status of women is identical to that of men. However, customs have retarded the full participation of women in all aspects of public life. Politics, for example, has traditionally been a male preserve in Cyprus. Through changing attitudes, however, women are experiencing increasing mobility.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: CYPRUS

	1983	1984	1985	

I.ECON. ASSIST.-TOTAL...	15.0	15.0	15.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	15.0	15.0	15.0	
A.AID	15.0	15.0	15.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	15.0	15.0	15.0	
(SEC.SUPP.ASSIST.)...	15.0	15.0	15.0	
B.FOOD FOR PEACE.....	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
TITLE I-TOTAL.....	0.0	0.0	0.0	
REPAY. IN \$-LOANS.....	0.0	0.0	0.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	0.0	0.0	0.0	
E.RELIEF.EC.DEV & WFP.....	0.0	0.0	0.0	
VOL.RELIEF AGENCY.....	0.0	0.0	0.0	
C.OTHER ECON. ASSIST...	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
PEACE CORPS.....	0.0	0.0	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
A.MAP GRANTS.....	0.0	0.0	0.0	
B.CREDIT FINANCING.....	0.0	0.0	0.0	
C.INTL MIL.ED.TRNG.....	0.0	0.0	0.0	
D.TRAN-EXCESS STOCK.....	0.0	0.0	0.0	
E.OTHER GRANTS.....	0.0	0.0	0.0	
III.TOTAL ECON. & MIL...	15.0	15.0	15.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	15.0	15.0	15.0	

OTHER US LOANS.....	0.0	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	0.0	0.0	

ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	1946-85

TOTAL.....	34.3	44.1	7.0	295.7
IBRD	26.2	43.8	7.0	249.7
IFC	0.0	0.0	0.0	6.1
IDA	0.0	0.0	0.0	0.0
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFOB	0.0	0.0	0.0	0.0
UNDP	0.1	0.3	0.0	19.1
OTHER-UN	0.0	0.0	0.0	0.8
EEC	8.0	0.0	0.0	20.0

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The Czechoslovak Socialist Republic is a centralized Communist state in which the Communist Party leadership decides all important political, economic, and social questions and limits the scope of individual human rights. There has been virtually no change in the state and party leadership during the last 15 years.

Czechoslovakia has a large, well-funded security apparatus, directed by the Ministry of the Interior and the Communist Party hierarchy. It includes the uniformed police force (public security) which is similar to a Western police force, and the secret police (state security), which deals with people it judges to be past, present, or future opponents of the regime. This powerful internal security force--backed by the Czechoslovak Army and the 80,000 Soviet troops stationed in Czechoslovakia since 1968--is the main pillar of the Government's control.

The Czechoslovak centrally planned economy allows little or no private enterprise or ownership in manufacturing, retail operations, agriculture, or services. In the 17 years since the suppression of the Prague Spring, the words "economic reform" have been banished from the official lexicon. When the Communists took power in 1948, Czechoslovakia had one of the most advanced economies in Europe, one that had escaped much of the destruction of World War II. In recent years, however, the economy has stagnated, burdened by excessive central planning, obsolete equipment, and infrastructure, and by a lack of incentives for innovation and initiative.

The human rights situation in Czechoslovakia changed little in 1985. There have been no major trials of well-known figures which would attract unfavorable publicity in the West. The authorities have, however, made free use of more subtle forms of repression, including: frequent house searches, detentions, and interrogations; suspended prison sentences and "protective supervision;" intrusive surveillance and other forms of psychological pressure; discrimination in employment; and denial of education opportunities to the children of "dissidents." As in previous years, the harshest repression has been directed at religious activists and at those individuals and groups who monitor human rights abuses in Czechoslovakia.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

Every year a number of Czechoslovak citizens are shot by Czechoslovak border guards while trying to cross the border without official permission. These incidents rarely come to public attention unless the victims reach the West, so it is impossible to estimate the number of fatalities that result.

There have been no reports of political killings by the police in 1985. However, one political activist has reported a "warning" by the police that he was likely to "suffer a car accident" or "fall off a bridge" if he persisted in his activities.

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b. Disappearance

There have been no reports of disappearances in 1985.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There have been no reports of systematic torture in Czechoslovak prisons since the early 1960's. Many former prisoners credit this to the influence of President Husak, who himself suffered long years of imprisonment and mistreatment in the 1950's. However, there have been reports of beatings, threats, and intimidation during interrogation. Reports of mistreatment have been most frequent in political cases.

Prison conditions are poor and sometimes approach a level of cruel and inhuman treatment, especially under the "third category" of imprisonment (harshes regime), which is often applied to political prisoners. In general, cells are small and unheated; family visits are strictly limited; and prisoners report that they receive such punishments as reduction in pay and limitations on free time, bathing, and exercise periods for failing to meet unrealistically high work standards. Diet and medical facilities are reliably reported to be deficient. Former prisoners have reported that prison guards sometimes encourage hardened criminals to prey on prisoners serving sentences for political offenses. Prisoners or former prisoners who complaint publicly of mistreatment have been severely punished.

In its July 1983 meeting, the World Psychiatric Association accused Czechoslovakia of misusing psychiatry for political purposes, causing Czechoslovakia to resign its membership in the organization. Several cases of misuse have been documented in recent years, most notably that of the Korineks, a Christian Adventist family which has been struggling to avoid involuntary incarceration and regain custody of their children for more than a decade. However, this appears to be an isolated instance, and the misuse of psychiatry does not appear to be a widespread practice.

d. Arbitrary Arrest, Detention, or Exile

Persons in Czechoslovakia are frequently arrested, detained, or subjected to searches and interrogations for expression of views contrary to those of the regime. Such actions by the police and judicial authorities are often explained in legal terms and performed with warrants, but in many instances they have been carried out without warrants. Under the law a person may be detained for up to 48 hours without being charged, although in practice this limit is often exceeded. It is normal for political activists to be detained repeatedly for 48 hours at a time and then released without being charged. Searches, detentions, and frequent interrogations are among the tactics used by the regime when it has decided to harass rather than prosecute.

According to law, a detainee may be held in investigative detention for 60 days if the authorities decide to press charges. A detainee does not have the right to visits by family members until after the trial is over. Investigative detention may be and often is extended at the request of the prosecution, and detainees are occasionally held for long periods without being brought to trial. Miklos Duray, the

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best known activist for the Hungarian minority in Czechoslovakia, was arrested in Bratislava on May 10, 1984 and released 12 months later without ever having been brought to trial.

People arrested for expressing views opposed by the regime are generally charged with "subversion," "incitement," "defamation of the republic," or "damaging the interests of the republic abroad." Persons who have unauthorized contacts with foreign diplomats or frequent embassy libraries have on occasion been charged with "espionage." People arrested for religious activities are usually charged with "obstructing state supervision over churches and religious societies." Many of these articles of the Criminal Code are so elastic that they could encompass almost any activity. In certain instances, the authorities have also resorted to trumped-up criminal charges (e.g., "hooliganism," or "stealing socialist property") to punish those whose real offense was to engage in unauthorized political activity.

Internal exile and house arrest have not been imposed formally in Czechoslovakia since the 1950's. In 1984, though, for the first time, the Government introduced a regime of "protective supervision" which combines features of both. Five former political prisoners are currently being subjected to this regime: Ladislav Lis, Jan Litomisky, Jiri Gruntorad, Frantisek Starek, and Ivan Jirous. Protective supervision includes travel restrictions; curfews; frequent searches of their persons, homes, and guests; and the obligation to report to the police on a regular basis. Ladislav Lis, for example, has been obliged to report to the police 10 times a week; has been subjected to lengthy house searches 3 to 5 times a week; and has had many of his visitors detained, taken away for questioning, and otherwise harassed. The imposition of such a regime, intended for habitual violent offenders, against persons who have never committed or advocated an act of violence is clearly aimed at isolating them from contact with the outside world.

The Government has also used forced exile to rid itself of critics. In some cases people who had been working or visiting abroad with official permission were stripped of citizenship and refused the right to return.

Forced exile is often aimed against people who have already served a jail sentence. Upon their release, or while still in prison, they are pressured to emigrate. If they refuse, they and their families are harassed, denied jobs and schooling, and threatened with rearrest. Frequently, after a year or more of this treatment, these ex-prisoners apply to emigrate.

Forced labor is not practiced in Czechoslovakia, but "work education" is required of prisoners. Former prisoners report that convicts face higher norms, lower pay, and poorer working conditions than normal workers.

e. Denial of Fair Public Trial

According to Czechoslovak law, people charged with criminal offenses are entitled to a fair and open public trial. The law provides that the accused has a right to be informed of the charges against him, to have counsel, and to present a defense. However, the practice is quite different, especially where political offenses are concerned.

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For the most part, friends of the defendant, representatives of the press, and diplomats are barred from attending trials with political content, and the courtroom is filled with "representatives of the public," who work for the security forces.

Defendants are allowed to choose their lawyers, and court-appointed lawyers are provided if necessary. However, lawyers, like judges, are subject to direct and indirect pressure from the political authorities and do not always vigorously represent their clients. Defense attorneys who have defended their clients with vigor have in some cases been disbarred and occasionally prosecuted. Defendants do exercise their right to defend themselves in court and occasionally have the charges dismissed or reduced at the original trial or appeal. But an appeal may also result in an increase in the sentence or in additional charges.

The judiciary is not independent of the Government and Communist Party. In theory, judges can be removed only by the Federal Assembly (Parliament) or by the Czech or Slovak National Council. In practice, they are subject to direct control and supervision by the Communist Party, to which most judges and lawyers must belong.

The number of political prisoners in Czechoslovakia is difficult to estimate. The Czechoslovak Government does not recognize political prisoners as a separate category, and does not release figures on its prison population. The only figures available are from VONS, the Committee in the Defense of the Unjustly Persecuted, which to the best of its ability documents individual cases. Fewer than a dozen of the cases that VONS has been following since 1978 are currently in prison. However, VONS does not document certain categories of political prisoners, such as those sentenced for attempts to leave Czechoslovakia without official permission. The number of such prisoners--most of whom serve terms of 1 to 2 years--has been variously estimated between 300 and 1,000.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government believes it has the right to monitor and control the leisure-time activities of its citizens. As such, it also asserts the right to interfere with privacy of communications.

Those who are considered opponents of the regime bear the brunt of heavily intrusive surveillance. They, their families, and friends are routinely subjected to such measures as electronic surveillance, tapping of telephones, and interceptions and destruction of mail. Discrimination in education and employment is regularly practiced against the families of dissidents and religious activists. Fear that their children will be denied higher education is a major factor in preventing even more open dissent among intellectuals and white-collar workers.

A special problem exists for religious believers who wish to raise their children in their faith. Organization of religious instruction or ceremonies in private homes is forbidden. Parents must seek the permission of local authorities for their children to receive religious education at school. Such requests are discouraged by school

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authorities who warn parents that participation in religious classes could be damaging to a child's future education and career prospects.

Contacts with individuals and receipt of information from the West are discouraged. Czechoslovaks in many professions are required to file a report each time they have a conversation with a Westerner. Broadcasts of Radio Free Europe in Czech and Slovak are jammed in Prague and other major cities, although they can often be heard in rural areas. Other Western radio broadcasts are not jammed. Many people who live near the country's western or southern borders can receive West German or Austrian television broadcasts.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Although the Constitution provides for freedom of speech and press, it also states that they must be exercised "in accordance with the interests of the working class." In effect, individuals may not voice opinions publicly that differ from party policy or question the legitimacy of party rule, the fundamental principles of the "Socialist" state, or the regime's relationship with the Soviet Union. Likewise, academic freedom is severely limited by political directives.

In order to publish, writers must belong to the state-controlled Union of Writers. All newspapers and magazines are published by political parties or mass organizations (e.g., The Youth League, Revolutionary Trade Union Movement, or Sports Federation) which are controlled by the Communist Party. Legal religious literature and periodicals come under strict censorship and are published in limited editions. Publishing houses and the news media, all state-owned, are self-censored under Communist Party guidelines. In cases where insufficient care is exercised, fines are imposed, or editors may be fired.

Only a limited number of Western non-Communist periodicals are allowed into the country, and they are beyond the reach of ordinary citizens. Since the early 1970's, libraries have restricted access to Western publications of a political character to those individuals who have obtained special permission from their employers, documenting their need for the material for official purposes. Periodicals such as Time and Newsweek are locked in cabinets controlled by special personnel. Books and periodicals published during the 1968-69 period or other publications considered ideologically "harmful" are subject to similar controls.

Printing and photocopying equipment, except typewriters, are controlled by the Ministry of Interior and cannot be legally obtained by individuals. Despite these restrictions, a lively underground "samizdat" (self-published) press publishes a variety of fiction and nonfiction, usually in very small editions. Some of it is sent abroad where it is reprinted in emigre publishing houses and then brought back to Czechoslovakia in larger editions. Those arrested for literary activities in 1985 include Lenka Mareckova, who was sentenced after reading her poetry at a literary evening to a 6-month prison term for "incitement;" Petr Kozanek and Zdenek Kotrly, who were given suspended sentences for trying to take some of Mrs. Kotrly's writings to Austria; and a group of five

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Catholics in Prague who were believed to have organized an underground printing press for religious materials.

b. Freedom of Peaceful Assembly and Association

Although freedom of assembly is protected in theory by the Constitution, it does not exist in practice. Public meetings may be held only with permission of the police, and this permission is given only when the meeting supports state objectives. When the authorities wish to have a large rally (May Day or "peace" demonstrations), people are often pressured to attend.

Lectures and film showings in private homes may also be subject to dispersal, if the authorities object to their contents or to the participants. In March 1985, 48 people were taken to a police station from a private home where they had gathered to watch some historical films. Most were released after a few hours, but several were detained for 48 hours without charges. Similar disruptions have plagued philosophical seminars organized by Dr. Ladislav Hejdanek, a Charter 77 signatory and former professor of philosophy. Despite the harassment, the seminar series has survived since the late 1970's.

Independent associations are not permitted in Czechoslovakia. All labor unions, professional associations, and even amateur groups are controlled by the Communist Party and subordinated to it. The Government's unwillingness to tolerate independent initiatives by these organizations is evident from its treatment of the Jazz Section of the Musicians Union, a legally constituted association of 6,000 jazz fans throughout Czechoslovakia, which organized jazz festivals and sponsored publications on music and the arts for its members. In March 1985 the Jazz Section was dissolved under a 1968 statute banning "counterrevolutionary activity." Leaders of the section protested and addressed a series of letters and petitions to the authorities. The result was surveillance, interrogations, loss of their jobs, and other forms of harassment. In September the Jazz Section's offices and leaders' apartments were raided by the police, and the section's financial and legal records and membership lists were confiscated. Despite official pressure, the Jazz Section, has thus far, refused to acquiesce in its dissolution. Petr Cibulka, a Jazz Section member and Charter 77 activist, was sentenced on September 27 to 7 months in prison for "insulting the nation" during an alleged incident in a restaurant.

Czechoslovak workers do not have the right to establish and join organizations of their own choosing without previous authorization. An attempt to establish an independent trade union in the early 1980's was suppressed. Membership in the official trade unions or professional associations is virtually obligatory for workers and those seeking to practice a profession. Communist Party membership is an unwritten, but commonly acknowledged, prerequisite for nearly all higher-level jobs.

The Czechoslovak union organization, the "Revolutionary Workers' Movement" (ROH), is a mass organization strictly controlled by the Communist Party. Strikes, independent organizing efforts, and collective bargaining are not permitted under the Czechoslovak system. The ROH is

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affiliated with the World Federation of Trade Unions whose headquarters are in Prague.

The Constitution guarantees the right and duty to work. In practice, individuals who are considered politically unreliable are barred from professional positions and forced into menial, low-paid jobs such as coal stokers and nightwatchmen. This practice has been condemned by the International Labor Organization.

c. Freedom of Religion

Freedom of religion is guaranteed in the Constitution but strictly limited in practice. "Scientific atheism" is the official ideology, and the Government actively discourages religious activity, especially among the young. Teachers, policemen, Communist Party officials, and certain other professionals encounter problems in their careers if they are seen in church. Higher education is often denied to active believers and their children.

A church must be officially registered in order to function legally in Czechoslovakia. Proselytizing groups, such as Jehovah's Witnesses and Mormons, are banned outright, and their members suffer frequent harassment and arrest. Jehovah's Witnesses have been reported in several prisons, but there are no reliable estimates of their number.

Organized religious practice is hampered by both written and unwritten restrictions. Clergymen are paid by the State and must receive a state license in order to practice. Such licenses can be--and are--withdrawn without explanation. Estimates of the number of clergymen who have lost their licenses vary, but they are known to include several bishops. Those who continue to practice despite revocation of their licenses are liable to criminal prosecution.

The Roman Catholic Church is the largest of Czechoslovakia's 18 officially registered religious bodies. There are estimated to be 8 to 11 million Roman Catholics in Czechoslovakia, and up to 450,000 members of the affiliated Greek Catholic (Uniate) Church. The Greek Catholic Church was reestablished in 1968 after having been forcibly united with the much smaller Orthodox Church in 1950. However, the Greek Catholics have been unable to reclaim their property which remains in the possession of the Orthodox Church.

Students in Czechoslovakia's two remaining Catholic seminaries (out of a prewar total of 13) need state approval to be admitted and ordained. In addition, the State must approve each priest's assignment to a parish or higher office. As a result of these restrictions, many priests have to cover more than one parish, and only 3 of 13 dioceses have resident bishops.

In 1950 all male religious orders were dissolved. A few female religious orders were allowed to continue functioning, but they were prevented from accepting new members, except during a brief interlude in 1968. Despite these limitations, some Catholic monastic orders have continued to operate clandestinely. In November 1984 seven Catholics were detained and interrogated on suspicion of being affiliated with the Franciscan order. All were released without trial within 2 months, but charges remain pending against them.

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"Pacem in Terris," the state-sponsored "peace association" of clergy, has been a major instrument of state control over the Catholic Church since it was founded in 1970. The association has been losing ground since 1982 when the Vatican banned clergy participation in political organizations worldwide. Although Cardinal Tomasek and the overwhelming majority of the clergy in Czechoslovakia have disassociated themselves from "Pacem in Terris," priests associated with the organization have retained control of Katolicke Noviny (Catholic News), the only legally published Catholic newspaper.

The year 1985 witnessed the largest religious gathering in Czechoslovakia's postwar history, when 150,000 Czech and Slovak Catholics gathered in a small Moravian village to celebrate the 1100th anniversary of the death of St. Methodius. Although the authorities did not prevent people from gathering at Velehrad, they refused to allow the Pope and Catholic leaders from Western European countries to attend the ceremonies. The crowds in attendance made their views on government religious policies clear by booing the Czech Minister of Culture and chanting slogans for religious freedom, a papal visit, more priests and bishops, and an end to "Pacem in Terris."

The printing of religious literature is severely restricted, and Bibles are in short supply. There has been some progress in this area of late: the Czech Ecumenical Council of Churches reportedly imported 122,000 Czech Bibles and New Testaments in 1984-85, and the Appeal of Conscience Foundation provided Jewish communities 2,000 copies of the Pentateuch in 1985. Still, the demand for religious literature exceeds the supply, and Bibles are smuggled in from abroad and produced by underground "samizdat" (self-published) methods.

Protestant denominations registered by the Government operate under similar constraints as the Catholic Church. Proselytizing is forbidden; religious education is strictly regulated and may not be organized in private homes; religious ceremonies are restricted for the most part to church premises, and education of clergymen is closely controlled. Clergymen who are popular with young people or associated with Charter 77 soon find themselves barred from preaching.

The Jewish community of several thousand has a central religious organization, financially supported and controlled by the Government. There are synagogues and prayer houses open for worship and two rabbis, one in Prague and one in Kosice. In Prague, there is a Jewish Museum operated by the State. There are no Jewish schools or rabbinical seminaries.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

For most Czechoslovaks freedom of movement within the country is not restricted, except near military installations and the borders with Austria and the Federal Republic of Germany. However, the Government has increasingly restricted the movements of Charter 77 activists and other "suspect" persons by preventing them from leaving their homes or meeting with foreigners. Leading Prague-based dissidents were kept under virtual house arrest for several days or weeks during the spring and summer of 1985, when Western dignitaries were visiting Prague, in an effort to prevent them from meeting with delegation members and the accompanying press. Likewise,

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several religious activists were picked up by the police and driven back to Prague each time they went to visit friends or colleagues outside the city.

Travel to Western countries is difficult since travelers must obtain permission and, unless visiting close relatives, a hard currency authorization. The number of such authorizations issued each year is far below the demand. Travelers to the West must usually leave some member of the immediate family at home to ensure their return. These restrictions are often relaxed for retired persons.

Travel by citizens of Czechoslovakia to other East European countries has become more difficult in recent years. A special passport is now required for trips to Yugoslavia, and travel to Poland has been restricted since 1981. Travel to Hungary has been made more difficult by limiting the amount of currency which may be exchanged and the number of trips which may be made in 1 year. Citizens deemed politically "unreliable" may find that they are denied permission to travel to either Eastern or Western Europe.

The right to emigrate is extremely limited. It is generally enjoyed only by those wishing to join a foreign citizen spouse, or, in the case of retired persons, foreign citizen children abroad. Those caught while seeking to leave Czechoslovakia without official permission are usually sentenced to 1 or 2 years in prison. The number of such prisoners has been variously estimated between 300 and 1,000.

Czechoslovakia occasionally denies the right of repatriation by stripping the citizenship of those citizens it wishes to keep out. Emigration passports are not valid for return without special endorsement, and in some cases permanent exile is a condition for emigration or study abroad. Many former Czechoslovak citizens who wish to visit their former homeland are denied visas.

There is a moderate outflow of refugees from Czechoslovakia, primarily persons who leave the country legally on vacation to non-Warsaw Pact countries and do not return. This may amount to about 10,000 people annually, but precise statistics are unavailable.

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

All significant decisions regarding the Government, the economy, and society are made exclusively by the leadership of the Communist Party. Through its apparatus, the party leadership determines who will be placed in decisionmaking positions not only within its own ranks but also throughout the structures of state authority, the economy, the media, and mass organizations. Real power is enjoyed by only a few top-level officials in the party Presidium and Secretariat.

Ordinary citizens, especially those who are not party members, have no role in selecting their leaders or in making important political or economic decisions. Four minor political parties are permitted to organize and publish their own newspapers but must conform their activities to Communist Party directives. All parties and mass organizations are represented in the National Front which is completely controlled by the Communist

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Party. Among its tasks is the nomination of a single slate of candidates to stand unopposed at all elections.

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

The Czechoslovak Government reacts negatively to expressions of concern about human rights violations in Czechoslovakia either by other governments or by nongovernmental institutions. It has delayed or denied visas to members of international human rights organizations such as the Helsinki Watch Committee and Amnesty International.

Two groups within Czechoslovakia concern themselves with human rights. One is Charter 77, a group of individuals who signed a document first issued in January 1977 calling on the Government to honor its commitment to international arrangements on human rights, including the Final Act of the Conference on Security and Cooperation in Europe, as well as human rights guarantees in the Czechoslovak Constitution. The second group, the Committee for the Defense of the Unjustly Persecuted (known by its Czech initials VONS), uses public records and reports from friends and relatives of the accused to issue communiques in cases where it believes the police, the courts, or the prisons have abused citizens' human rights. These communiques are distributed to the Czechoslovak authorities. Members of both of these groups, are targets of harassment by the regime.

Amnesty International, in its 1985 Report (covering the year 1984), was concerned about the continued detention of prisoners of conscience and the application of the Law on Protective Surveillance to some prisoners of conscience who had been released. It also noted that many people were sentenced to short prison terms and harassed in various ways for exercising their human rights. Freedom House rated Czechoslovakia "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Czechoslovakia is a highly industrialized country of approximately 15.5 million inhabitants. It has had a rising standard of living since the end of World War II, but recent figures show a slowing down in the rate of growth. The stable, largely urbanized population enjoys an adequate material existence.

The basic needs of food and health care are met. Food supplies are adequate and the average daily caloric intake in 1984 was 3,100 calories. Health care is universally available through a national system administered and financed by the Government and paid for in part by employee deductions. There are reports, however, that prompt treatment is only secured through payment of bribes, and many standard drugs are available only if paid for in hard currency. In 1984 average life expectancy at birth was 66.7 years for men, and 74.0 for women. The infant mortality rate was 14.9 per 1,000 live births.

The retirement age is 57 years for women and 60 years for men. The average pension is 55 percent of the average wage, and many retirees supplement their pension payments by working.

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Education is compulsory to 16 years of age. Literacy is nearly universal. Secondary and university education are free of charge, and opportunities exist for evening study at the advanced secondary and technical levels. However, the selection of students for courses and schools, particularly those leading to more desirable careers, is reportedly based on their parents' political standing and reliability. Official policies also deliberately favor children from workers' families in the admissions process. There has been criticism of the insertion of political criteria in admission to higher education.

The minimum age for full-time employment is 16, although part-time employment is permitted at an earlier age. The average workweek is 42.5 hours. Beyond 46 hours workers are paid overtime, and there are additional bonuses for some shift and weekend work. There is a labor shortage, especially for unskilled and semiskilled labor, which is filled in part by workers from other Communist countries. Working conditions appear generally adequate, although less attention is paid to occupational safety and pollution than in the West. When problems do arise, the workers have little recourse, since strikes and independent labor organizations are prohibited, and the major preoccupation of the state-controlled labor union is to ensure that production plans are fulfilled.

Women form 46.5 percent of the work force, but they tend to be concentrated in lower-paying, less skilled jobs. They do, however, receive equal pay to their male colleagues if they hold the same job. There are inconsistencies in the responsibilities women are asked to assume: they are encouraged to join the work force, but they are also offered incentives to have children. According to Czechoslovak figures, the population growth rate was 0.3 percent in 1984.

Women are equal under the law, and there are small numbers of women in the professions and in higher ranking party, government, and managerial positions. There is only one woman in the party Secretariat, and she holds her position by virtue of being Chairman of the Women's League. There are no female ministers or ambassadors.

Czechoslovakia has two major nationalities--Czechs and Slovaks--and two substantial minorities--Hungarians and Gypsies. Interethnic relations are still colored by historic animosities, but the Czechoslovak system provides certain guarantees for minorities.

Hungarians who are concentrated in southern Slovakia form the country's largest minority (555,000 according to official statistics). They are proportionately represented in federal and local legislative bodies but are underrepresented in high-level jobs in industry, government, and the party apparatus. The State provides some primary and secondary education in Hungarian and permits a limited number of ethnic Hungarians to pursue higher education in Hungary. Ethnic Hungarians complain, however, that Hungarian-language instruction at the elementary and secondary levels is being reduced, and that the lack of opportunities for higher education in Hungarian is creating a growing shortage of qualified Hungarian-language teachers. Miklos Duray, a leading Hungarian minority activist, spent a year in prison without trial for addressing these issues in open letters to Czechoslovak officials. He was amnestied in May 1985 and has

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reportedly been permitted to return to his job as a geologist in Bratislava.

The Gypsies, who number about 250,000, are the only other sizable minority in Czechoslovakia. As elsewhere in Europe, they tend to suffer disproportionately high rates of poverty, crime, and disease. However, their problems appear to result more from traditions and popular prejudice than from government policies.

Approximatley 30,000 Vietnamese laborers are temporarily residing in Czechoslovakia. Reportedly, they are allowed to retain two-thirds of their salary. The remainder is shared by the Czechoslovak and Vietnamese Governments.

DENMARK

Denmark is a constitutional monarchy with a strongly established tradition of democratic parliamentary rule. The reigning monarch is Queen Margrethe II. A Cabinet headed by the Prime Minister and accountable to the unicameral Parliament (Folketing) has responsibility for government decisions. The 179 members of the Folketing are elected in free and open elections under a complex system of proportional representation designed to protect the rights of minority parties and to reflect the popular vote. Since late 1982, Denmark has been governed by a four-party minority coalition led by Prime Minister Schlueter's Conservative Party, which is dependent on support from other parties to maintain a parliamentary majority.

Human rights are highly respected and well protected in Denmark, both in principle and in practice. The Constitution establishes the Folketing's "Ombudsman," to whom any citizen may protest if he or she feels wrongly or unreasonably treated by any Danish national or municipal authority. At the global level, Denmark participates actively in a number of international commissions concerned with the protection and preservation of human rights.

Denmark has displayed high concern for the rights of minorities, particularly the indigenous populations of territories such as Greenland and the Faroe Islands, which now enjoy broad powers of home rule.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

Danish authorities do not engage in political killings.

b. Disappearance

Abductions, secret arrests, and clandestine detentions are prohibited by statutes which are respected in practice.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Protection against torture and inhuman treatment is guaranteed by law and respected in practice. A rehabilitation and research center for torture victims established in 1983 in Copenhagen treats patients in the refugee community. An estimated 150 foreign torture victims obtain asylum yearly.

d. Arbitrary Arrest, Detention, or Exile

No person in Denmark can be deprived of personal liberty without due process of law. Arrested individuals must be taken before a judge within 24 hours of detention. The judge has the authority to determine whether the person should be detained in pretrial custody or released pending trial. The Constitution makes provision for bail. Arrested individuals have access to legal counsel of their choice or court-appointed attorneys. Non-Danish speakers are provided with interpreters at government expense. The occasional use of isolation during the pretrial custody period has been

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criticized in the media, but police authorities maintain that isolation is necessary to protect the investigation. The system continues to be used, though only in the most serious crimes such as narcotics violations. Forced or compulsory labor is prohibited.

e. Denial of Fair Public Trial

Trials are fair and public. The trial judge may order exceptions to this principle but only within narrowly drawn parameters, such as paternity and divorce trials. In criminal cases, trials are only closed when it is necessary to protect the privacy of the victim, such as in rape or child molestation cases, or when it is deemed necessary to protect the identity of a witness. Danish courts make extensive efforts to obtain the facts of a case, and the rights of the accused are carefully protected. All indigent defendants have the right to a court-appointed attorney at government expense. The defendant is free to change the court-appointed attorney.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Under the Danish Constitution, searches of the home, seizure and examination of papers, and breaches of the secrecy of communications are prohibited in the absence of a judicial order, unless a particular exception is provided for by statute. These provisions are respected in practice.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Denmark has a free and open society. An individual may express an opinion in written or oral form on any matter, subject only to the condition that the person can be held responsible in a court of law. Media representatives and private individuals make full use of the freedom of expression. Criticism of the Government or government policy is not a punishable offense, and censorship is not utilized.

b. Freedom of Peaceful Assembly and Association

Danish residents are free to assemble and form associations for any lawful purpose. Police are entitled to be present at public meetings or demonstrations which could constitute a danger to the public peace.

Approximately 85 percent of Danish wage earners are members of trade unions. Under the General Agreement of 1960, workers and employers acknowledged each other's right to organize. Labor agreements and legislation protect the rights of workers and employers and regulate the work environment.

c. Freedom of Religion

Under the Constitution, the Evangelical Lutheran Church is recognized as the established church of Denmark. However, religious freedom is guaranteed to all residents of Denmark. No one may be discriminated against because of religious beliefs. These laws are strictly enforced in practice.

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d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Danes have complete freedom to travel and to reenter Denmark. Denmark is a homogeneous ethnocentric society with historically only a small number of non-northern European residents who have been accorded a high level of acceptance. Refugees and asylum seekers are provided with travel documents, when needed, which permit return to Denmark. Forced repatriation is not utilized. The new Alien Act of 1983 spells out in detail the rights of aliens in Denmark and provides for appeal procedures when residence permission is denied. Measures designed to protect the rights of potential refugees or asylum seekers include the establishment of a refugee board with authority to reverse decisions of the Alien Directorate and guaranteed access to legal counsel and interpreter service.

Since 1983 there has been a massive influx of refugees. From January 1984 to May 1985, 5,000 people have asked for political asylum, 3,500 of them from Iran. This large number of ethnically dissimilar people who require shelter, education, and public assistance has generated additional pressure on the Danish welfare system. The average Dane's tolerance does not extend to what he perceives as a threat to the Danish way of life, and the Queen's New Year's plea for greater kindness to foreigners was subject to unusual criticism. Tension in this area escalated to several violent demonstrations by Danes at Iranian refugee centers. Many Danes were shocked by these xenophobic outbursts. The vast majority of Danish political leaders continue to emphasize the need for Danish tolerance and magnanimity toward the recent arrivals and have begun what they realize is an educational process for Danish society, now more exposed to the outside world than ever before.

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

Denmark is governed by a Cabinet responsible to the Folketing (Parliament). The Prime Minister is appointed by the Queen after consultation with the political parties represented in the Folketing. The present Government, formed in September 1982, is composed of four parties under the leadership of the Conservatives. Members of the Folketing are selected in open elections in which every Danish citizen 18 years or over may participate. A political party must obtain at least 2 percent of the total vote to obtain representation in the Folketing. Nine political parties with a variety of political beliefs are represented in the current Parliament. The Constitution states that parliamentary elections must be held at least every 4 years. The Government can be changed by calling new elections or, as happened in 1982, by the resignation of the government in power and the formation of a new government composed of parties already represented in the Folketing.

All Danish citizens and subjects are guaranteed equal protection under the law. The territories of Greenland and the Faroe Islands have home rule governments with broad powers encompassing all but foreign and security affairs. Native Greenlanders enjoy all the rights and privileges of other Danish citizens. In addition, Greenland's representation in the national Parliament is disproportionately large, and the island has a special criminal code designed for local customs

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and conditions. Native Greenlanders freely participate in international ethnic organizations such as the Inuit Circumpolar Conference, based in Greenland, which was recently recognized by the United Nations. Despite periodic disagreements between home rule authorities and the Government, there have been no accusations of human rights violations made against the Government before any international organization.

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

Denmark is a party to various international human rights conventions designed to promote and protect human rights. The Government's commitment to human rights issues is fully supported by the Danish population. Amnesty International does not mention Denmark in its 1985 Report. Freedom House rated Denmark as "free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Denmark has a population of 5,100,000. Per capita gross national product in 1983 was approximately \$9,720.

Over 50 percent of the national budget is devoted to welfare, housing, labor, and education. Austerity measures introduced by the present Government have reduced social benefits modestly. However, this step has not materially altered the extensive welfare protection provided to Danish subjects. Food, shelter, health care, and education are available to all inhabitants regardless of race, religion, sex, ethnic background, or political opinion.

At birth, Danish men can expect to live to 71.5 years of age, and Danish women to 77.5 years of age. The infant mortality rate is 8.85 for males and 6.57 for females per 1,000 live births. All school-aged children have access to free public education, and the nation is 99 percent literate.

The minimum age for the employment of children is 15, and specific limitations described in detail in the Working Environment Act of 1975 apply to the type of work which may be performed by those between 15 and 18 years of age. This Act also describes acceptable conditions of work, including safety and health; the general duties of employers, supervisors, employees, and suppliers; the performance of work; rest periods and rest days; and medical examinations. The Act also establishes a Labor Inspections Service.

The Equal Rights Council has worked successfully to eliminate laws and regulations which contained sex discrimination provisions. Women hold positions of authority at all levels of society and actively participate at all levels of the political process. They hold positions of authority in political parties, local governments, and in the national Government. Women head five cabinet ministries (Labor, Interior, Culture, Social Affairs, and Ecclesiastical Affairs) and hold about 26 percent of the seats in the Parliament.

The living standards and educational levels of native Greenlanders (Eskimos) are lower than those of other Danish citizens, but they are improving steadily, in part because of heavy spending on housing, health, and education programs by the Government.

ESTONIA*

An independent Baltic state between the two World Wars, Estonia was annexed by the Soviet Union in 1940 as a constituent republic of the U.S.S.R. The United States does not recognize the forcible incorporation of Estonia into the U.S.S.R.

Like the other Baltic states, Estonia is subjected to the same centralized rule, the same Constitution and system of justice, the same restrictions on civil and political liberties, and the same police controls as the republics of the Soviet State. In addition, Soviet policy toward the Estonian nation arouses fear of Russification and of the destruction of Estonian values. Because of a low birthrate and the influx of Slavic settlers in recent years, Estonians now make up only 63 percent of the total population as compared to 92 percent in 1939.

The standard of living in Estonia is higher than the Soviet average. In recent years, however, a decline in food supplies and in some consumer goods has caused popular discontent. The manner of Soviet exploitation of Estonian natural resources has also been criticized.

Serious human rights violations continued in Estonia in 1985. Any manifestation of national rights is harshly repressed by Soviet authorities. Attempts to keep religious faith alive are countered by Soviet harassment of religious leaders. Estonians involved in human rights issues have also been severely punished with prison sentences.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

Although Estonian activists have on occasion died in Soviet custody, it is difficult to establish official responsibility for the deaths of persons involved in political dissent. Soviet persecution of those attempting to defend Estonian national rights, however, may lead to their deaths. Activist Johannes Hint died in Soviet custody in 1985.

b. Disappearance

There are no known instances of permanent or prolonged disappearance.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

In Estonia, as throughout the Soviet system, cruel and inhuman treatment of political prisoners occurs during both interrogation and confinement in labor camp, prison, or psychiatric hospital. Physical and psychological abuse of

* Given Soviet control over all aspects of life in Estonia, the systemic human rights abuses described in the report on the U.S.S.R. apply also to Estonia. This report discusses only instances of repression specific to Estonia.

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prisoners is common, as is detention under extremely unhealthy or otherwise onerous conditions.

d. Arbitrary Arrest, Detention, or Exile

Soviet laws are written and interpreted in so broad a manner that persons may be arrested and sentenced for exercising basic human rights.

On July 19 Estonian human rights activist Robert Vaitmaa was sentenced to 3 years in labor camp on a charge of "resisting the authorities." Vaitmaa had been arrested on May 7 after being forcibly removed from a plane while on his way to visit exiled Estonian activist Tiit Madison.

e. Denial of Fair Public Trial

Despite guarantees of judicial objectivity in both the Estonian and Soviet Constitutions, the State completely controls the judicial process and, in political cases, arbitrarily decides the outcome of all trials to suit its requirements. No rights of a defendant override the self-determined compelling needs of the State.

Lutheran pastor Harri Motsnik was arrested on April 13 following a search of his home and charged with "anti-Soviet agitation and propaganda." Although reportedly convicted, the exact results of his trial, scheduled for August, had not reached the West by year's end.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Government interference in personal life is pervasive through its use of informers, mail censorship, electronic monitoring of telephones, and other devices. Contacts between Estonians and visitors from foreign countries are strongly discouraged, and those who indulge in such contacts are subject to harassment by the authorities.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Constitution provides for most internationally accepted political liberties provided that their exercise accords with the strengthening and security of the Socialist system. In practice, the authorities do not tolerate dissident behavior. All legal means of publication are under the complete control of the party and the State. Because of their proximity to Finland, however, Estonians have access to Finnish television and radio broadcasts.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right to associate in public organizations, but the authorities subject all associations and organizations to their strict control.

Beginning in April 1985, a number of prominent Estonian intellectuals were called in for questioning by the security police (KGB). They included Vardo Rumessen, a pianist and musicologist; Arvo Vallikivi, a writer; Rein Einasto, a scientist at the Estonian Academy of Sciences Institute of

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Geology; Rein Ruutsoo, a philosopher; Haljand Udam, a Persian scholar; and several others. Questioning centered on contacts with former Estonian prisoner of conscience Mati Kiirend, musicologist Helju Tauk, and others.

Soviet labor law and practice is enforced in Estonia. Although the Constitution guarantees all Soviet citizens the right to form trade unions, any efforts by workers to exercise this right independently of state-sponsored and controlled unions have been brutally repressed. Given Soviet concern that the ideas of the Polish Solidarity trade union movement might spread, this has been especially true in the Baltic states. In Estonia, the party leadership has denounced local efforts to call strikes at state enterprises.

c. Freedom of Religion

In spite of constitutional guarantees of the right to profess or not to profess any religion, religious believers are subject to many restrictions. As part of a Soviet program to reduce the authority and activities of the Lutheran Church, many Lutheran pastors have been called in for questioning in recent years, and the professional licenses of several have been revoked.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement is neither guaranteed by law nor respected in practice. The right to leave one's country and return is also not recognized. Worker Enn Veerpalu was reportedly convicted in 1985 for "illegally attempting to leave the Soviet Union."

Soviet authorities in Estonia do not respect the right of emigration. Two Estonian families remain on the U.S. Government Representation List of Divided Families who have been refused permission to join relatives in the United States. Many Estonian Jews have also been repeatedly denied permission to emigrate. One well-known case of Soviet denial of this basic human right concerns two-year-old Kaisa Randpere, daughter of former Estonian Justice Ministry official Valdo Randpere. Randpere and his wife, singer Leila Miller, defected to Sweden in 1984. Soviet authorities have refused to allow Kaisa to join her parents, reportedly informing them "you will never see her again."

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

Soviet authorities attempt strictly to forbid political activity outside the framework of the Communist Party. In Estonia, ethnic Estonians comprise only 52 percent of the membership as compared to their 63 percent share of the total population.

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

The Soviet Government rejects any foreign criticism of its human rights record, maintaining that all internationally recognized human rights are fully protected. Its attitude

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toward investigation of the human rights situation in Estonia is uncompromisingly negative.

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

By Soviet standards, Estonia's 1.5 million population enjoys a high standard of living and an advanced industry. In recent years, however, a decline in food supplies and a reduction in some consumer goods have caused discontent. Soviet statistics reveal a poor economic performance by Estonia during the first 6 months of 1985. According to these statistics, Estonia posted industrial growth of only 1.9 percent, well below the 1984 growth rate of 4.5 percent, and an increase in labor productivity of only 2.4 percent, again below the 1984 rate of 4.2 percent. Economic performance in 1985 was subpar even relative to the other Baltic republics and the Soviet Union as a whole.

The exploitation of Estonia's oil shale under central Soviet control has provoked sharp criticism in Estonia. Used for thermal energy production and for the chemical industry, the deposits have been exploited at an accelerating rate, although only about a third of the electrical energy produced from this source can be used in Estonia. In addition to the rapid depletion of a national resource, the enormous amount of pollution and environmental damage caused by shale exploitation has aroused concern.

Estonian-Russian tensions are always close to the surface in Estonia; they appear to be increasing as the proportion of the Russian-speaking population grows. One manifestation of this is the reluctance of Estonians to learn or use the Russian language. In 1979, only 24 percent of Estonians said they spoke Russian well, a decline of 5 percent from 1970. Estonians are under strong pressure to pursue Russian-language programs. At the university level, particularly in the sciences, courses are often taught in Russian, even when Estonians make up the majority of a class. The nationalist demonstrations by thousands of Estonian high school students in October 1980, ruthlessly suppressed by the security forces, have not been forgotten.

FINLAND

Finland is a constitutional republic, a democratic state built upon the principle of the rule of law. Sovereign power in Finland rests with the people as represented by their delegates assembled in Parliament. Legislative power is exercised by Parliament. Supreme executive power is vested in the President. A Cabinet, consisting of a Prime Minister and 16 ministers and responsible to Parliament, works with the President in governing the country. Judicial power is exercised by an independent judiciary headed by the Supreme Court and Supreme Administrative Court. The Finnish people freely choose by direct election a 200-member unicameral Parliament every 4 years. They also choose electors every 6 years who in turn elect the President. At present, there are nine political parties represented in the Parliament, four of which form a center-left coalition government.

The police and security forces are controlled by elected officials and supervised by the courts.

Finland has a mixed economy with state-owned, privately owned, and publicly owned companies. Citizens are free to pursue their legitimate private interests, hold private property, and engage in economic activity without government interference. Aliens in most cases may own real property only with the Government's permission and are prohibited from engaging in political activity.

During 1985, there were no reported violations in Finland of fundamental human rights.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

Killing for political motives by the Government or opposition political organizations does not occur.

b. Disappearance

There were no reported cases of disappearances, abduction, or clandestine detention by official or opposition forces in 1985.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Freedom from torture and cruel, inhuman, or degrading treatment or punishment is guaranteed by law and respected in practice. By law, prisoners must be treated with respect for their human dignity and without distinction made on the basis of race, color, sex, language, nationality, religious or political conviction, social position, wealth, or any other grounds. The security police are subject by law to judicial scrutiny.

d. Arbitrary Arrest, Detention, or Exile

Freedom from arbitrary arrest and imprisonment or exile is guaranteed by law and respected in practice. A suspect may be detained by the police for questioning for 3 days; for special reasons not specified in the law this period may be extended

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for 14 additional days, though the court must be notified of this fact. During the investigative period, the accused may be denied access to a lawyer. Following formal arrest, the accused is permitted free access to the lawyer of his choice. The state will pay legal fees for indigents. A court hearing must take place within 8 days of notification of the arrest if in a city or within 30 days if in rural areas. The circumstances of an arrest are subject to judicial review when the accused is brought to trial. Should the arrest be shown to have been incorrect, or should the accused be found innocent, he may apply to the same court for civil damages for loss of freedom.

The Government has introduced a bill proposing amendments to the pretrial procedure. The investigative detention period will be shortened considerably, and the accused will have access to a lawyer during that time. The purpose is to achieve uniformity with the practice in other Western countries.

The institutions of habeas corpus and bail do not exist as such in Finland. Those accused of serious crimes must by law remain in custody. Those accused of minor offenses may be released on personal recognizance at the court's discretion.

Preventive detention is authorized only during a declared state of war for narrowly defined offenses such as treason, mutiny, and trafficking in weapons. Supervisory personnel from the Ministry of Justice and the Ministry of Interior, as well as the parliamentary Ombudsman and the Chancellor of Justice, have authority to enter prisons and order the release of prisoners held without charge. By law, Finnish citizens cannot be exiled.

New legislation on the status of conscientious objectors to Finland's obligatory military service was passed in June 1985. It will take effect at the beginning of 1987 for a trial period of 5 years. Giving the individual the option of serving in the military or becoming a conscientious objector, the law abolishes the investigative board which previously decided whether to confer the status of conscientious objector. The new law also lengthens the alternative civilian service for conscientious objectors to 16 months, twice the minimum length of military service. Jehovah's Witnesses are exempted from military service altogether under the new law. The passage of the bill stemmed from the investigative board's rejection of an increasing number of applications for civilian service in recent years. Under the old law, those, including Jehovah's Witnesses, who refused unarmed service within the defense forces and were not granted alternative civilian service, went to jail.

In its 1985 Report (covering the year 1984), Amnesty International named one such person sentenced to 9 months' imprisonment in January 1984 a prisoner of conscience. He accepted alternative service and was released in March 1984. In October 1985 Amnesty International declared two other conscientious objectors to be prisoners of conscience. It indicated that 19 other prospective conscientious objectors whose cases were awaiting trial would be declared prisoners of conscience if convicted and sentenced. It also criticized the longer period of alternative civilian service in the new law as punitive in nature.

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Finland has ratified International Labor Organization Convention 105 prohibiting compulsory labor and observes its provisions.

e. Denial of Fair Public Trial

The right to a fair public trial is guaranteed by law and respected in practice. Finnish citizens and aliens legally present in Finland have the right to counsel. Charges must be clearly stated. Local courts may decide to conduct a trial behind closed doors in juvenile, matrimonial, and guardianship cases, or when the publicity would offend morality or endanger the national security. In "national security" cases, the judge may withhold any or all information pertaining to charges against individuals, verdicts, and sentencing. Sanctions may be imposed if such information is made public. Civilians may not be tried by military courts except in time of war. There are no separate "security" courts.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The right to privacy and the sanctity of the home, including prohibition of eavesdropping and mail tampering, are guaranteed by law and respected in practice.

For the commemorative meeting in Helsinki of the Conference for Security and Cooperation in Europe (CSCE) in July and August 1985, a special powers act was passed authorizing the police to take measures for the protection of the meeting's participants. On an exceptional basis, it gave the police the right to inspect the person, residence, car, or mail of anyone, without the usual justification. In effect from mid-July until the end of August 1985, it was applied in only a few cases, mainly to order that windows facing the Conference Hall be closed. Several human rights demonstrators in front of the hall were peacefully removed during the meeting in accordance with the law.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

According to law and in actual practice, an effective judiciary, an independent press, and a functioning democratic political system combine to ensure freedom of speech and press. There have been no instances of abuse or legal decisions restricting freedom of the press. The press occasionally exercises self-restraint in treating issues deemed to be potentially harmful to the national interest but is under no compulsion from the authorities to do so.

b. Freedom of Peaceful Assembly and Association

Freedom of peaceful assembly and association is guaranteed by the Constitution. However, if the purpose of the association is to influence political issues, only Finnish citizens may participate. Public demonstrations require notification to the police. An anti-Soviet demonstration by Baltic refugees and their descendants in Helsinki on the eve of the CSCE celebration was permitted in accordance with Finnish law. However, the police peacefully dispersed a later demonstration at the Soviet Embassy of which police had not been notified.

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Some of the protesters in the latter demonstration were briefly detained but not charged.

The right of workers to join trade unions is constitutionally guaranteed. Likewise, trade unions are constitutionally guaranteed the right to organize, assemble peacefully, bargain collectively, and strike. They enjoy a protected status and play an important role in political and economic life. The average rate of organization is 85 percent among the labor force in Finland. The central organization of Finnish Trade Unions (SAK), a 1-million-member confederation of blue-collar workers, dominates the trade union movement. Three other central organizations cover white-collar, professional, and technical employees. All trade unions are democratically organized and managed and are independent of both government and political parties. Most trade unions maintain relations with their Nordic counterparts. The four trade union confederations also maintain contact with the Soviet All-Union Central Council of Trade Unions. SAK and one white-collar confederation are members of the International Confederation of Free Trade Unions. SAK, through two of its affiliates, also has ties to the Communist-dominated World Federation of Trade Unions. Finnish trade unions participate in the International Labor Organization.

The Finnish Government encourages voluntary organizations and subsidizes many private groups formed to achieve a public purpose. They are permitted to maintain relations with other international groups in both Communist and Western countries. However, if the membership of an organization is more than one-third foreign, it requires the Government's permission to operate.

c. Freedom of Religion

Finland has two state religions: the Lutheran and the Orthodox. Taxes are collected by the Government from members to support these churches. Other Christians, Muslims, and Jews enjoy unrestricted freedom of worship. Approximately 89.5 percent of the population of Finland belongs to the Lutheran Church.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Finns are free to travel in Finland and abroad. Within the area of the Nordic countries--Finland, Norway, Denmark, Iceland, and Sweden--they may travel without passports. In addition, they do not need exit visas for travel to other countries. Over 200,000 Finns have emigrated to Sweden in the past two decades to seek employment, and over one-half of that number have returned. No restrictions have been placed on emigration or repatriation.

The debate on the criteria which the Finnish Government applies when deciding to grant political asylum continued in 1985. The Government maintains that, "in accordance with the Geneva Agreement, Finland gives asylum to individuals arriving (in Finland) who have the characteristics of refugees determined by the agreement." The Ministry of the Interior categorically denies that any agreement exists with the Soviet Union regarding repatriation of Soviet would-be refugees. In 1985, the Government disclosed that it had given temporary visas to three Estonians who had entered Finland illegally.

FINLAND

Finland does not grant asylum to people wishing to escape economic hardship.

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

Finland is a multiparty parliamentary democracy in which all citizens over the age of 18 freely elect their representatives from among multiple candidates representing a wide spectrum of political ideologies. The country has the longest tradition of women's suffrage in Europe. Three women are Ministers in the Cabinet, and 62 are representatives in the Parliament.

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

Finland participates actively in international human rights organizations and was a member of the United Nations Human Rights Commission in 1985. Finland has not been the subject of an international investigation of alleged human rights violations. Within Finland, several organizations monitor human rights performance, including the Finnish Red Cross, the government-sponsored Equality Council, the Women's Rights Union, and Amnesty International. A Finnish Helsinki Watch Group was established in July 1985 but was not very active during the year. Under the auspices of the Abo Academy, a Swedish-language university in Turku, a Human Rights Institute was founded in the spring of 1985. Its purpose is to conduct human rights research and studies as well as to distribute information.

Amnesty International's 1985 Report, as noted in Section 1.d., included a section on Finland which discussed the status of conscientious objectors. Freedom House rated Finland "free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Finland has a population of 4.9 million and its per capita income was \$10,740 in 1984. A prosperous industrial market economy, Finland has privately owned, cooperative, and state-owned property enterprises. Private property is protected by law. Between August 1984 and August 1985, the level of unemployment was 6.1 percent, and the rate of inflation dropped to 5.8 percent.

Basic human needs are fully met for the entire population without discrimination. The infant mortality rate is 6.2 per 1,000 live births in the first 12 months, and life expectancy at birth is 73.4 years. According to World Bank statistics, primary school enrollment was 93 percent in 1982, but the Finnish Ministry of Education states the correct figure was over 99 percent, as no one is exempted from compulsory primary school education. Finland enjoys a virtual 100 per cent literacy rate.

The minimum age for full-time employment is 16 years. However, the law permits youths of 14 and 15 years of age to spend up to two-thirds of their school holidays at work up to a maximum of 7 hours per day and 36 hours per week. Workers under 18 years of age also work less than a standard workweek, and night work is prohibited.

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The minimum wage varies according to the industry but is roughly \$3.57 per hour. This provides a decent living for workers and their families. A 40-hour workweek is standard, although persons working straight shift work have a 36-hour workweek, and those in certain occupations can work longer in a week subject to an 80- or 120-hour maximum in 2 or 3 weeks respectively.

Several laws and regulations protect workers while on the job and in transit to and from their work. Enforcement machinery includes the National Board of Labor Protection and labor protection delegates elected by the workers themselves. Cooperation between labor and management in safety and health has been mandatory by statute since 1974.

To redress existing inequities between the sexes, the government-established Council for Equality coordinates and sponsors legislation to meet the needs of women as workers, mothers, widows, and retirees. During 1985 Parliament passed two bills designed to improve the status of women in Finland. The first, a comprehensive equal rights bill, ensures equal treatment for women in the work place, and the second, a family name bill, permits women to retain their maiden names after marriage as their only surname. The law also makes it possible for the husband to take his wife's name.

Government statistics indicate that in 1985 women's wages and salaries remained, on the average, at 77 percent of those of men. The rate of participation in the labor market for Finnish women in 1985 was 65.7 percent; for men it was 74.3 percent.

FRANCE

France is a democratic republic with constitutional guarantees of human rights, freely functioning political parties, and regular elections. Voter participation (with universal suffrage) is high. Elections at the local as well as national level are occasions for ideological and topical debate.

France has a highly developed industrial economy comprising a mixture of public and private enterprise. The public sector was increased significantly during the first year and a half of the Mitterrand Presidency when, in fulfillment of Socialist Party campaign promises, a number of important private industrial enterprises and most of the remaining private banks were nationalized. Most of the economy is still privately controlled, however, and no firms or banks were nationalized in 1985. The Government is now committed to an austerity program designed to reduce inflation and the costs of the public sector.

The promotion of human rights remains a principal tenet of President Mitterrand's foreign policy. Since Mitterrand took office in 1981, France has signed 13 international conventions on human rights. French leaders speak out frequently on worldwide abuses of human rights and make frequent reference to the protection of these rights within France. Mitterrand and other government officials reaffirmed France's historic commitment to human rights at an international conference on human rights and freedoms organized by Prime Minister Laurent Fabius in May 1985.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

Terrorist groups--principally indigenous groups--have taken responsibility for several political murders occurring in France in 1985. In January, the terrorist group Action Directe, in association with the West German Red Army Faction, claimed responsibility for the assassination of General Rene Audran, director of international arms sales in the French Defense Ministry. Five months later, Action Directe tried unsuccessfully to assassinate the Comptroller General of the French Army. The group also committed sporadic bombings against businesses, government offices, and international organizations linked in its analysis to repressive or militaristic activities.

The so-called Antiterrorist Liberation Group continued to claim responsibility for assassinations of alleged Basque terrorists in southwest France in 1985, and its operations became less discriminating as some of the victims had no apparent links to Basque terrorism. The Corsican National Liberation Front took responsibility for the machine-gunning of several police headquarters and police cars, killing a gendarme in December 1984 in addition to numerous bombings in 1984-85. Also responsible for bombings were the French Basque organization Iparretarrak, the Breton Revolutionary Army, and various separatist organizations in the overseas department of Guadeloupe whose attacks resulted in fatalities. In New Caledonia, an overseas territory, violence occurred

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sporadically during much of 1985, with more than 20 people killed either in confrontations between pro- and anti-independence forces, or in efforts by police to enforce the law.

b. Disappearance

There is no evidence that French security services have engaged in abduction or secret arrests.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Freedom from torture is guaranteed by law and respected in practice. There have been no credible allegations of the use of torture.

d. Arbitrary Arrest, Detention, or Exile

French law guarantees freedom from arbitrary arrest and imprisonment. There is no direct equivalent of habeas corpus in the French legal system, but a suspect can be held only for up to 2 days--4 for drug cases--before being transferred to a magistrate for investigation. There is no forced or compulsory labor in France.

The French judiciary plays a determining role in the detention process. Government authority to hold a person beyond the prescribed periods is severely restricted and must be ordered by the competent court. As part of continuing reforms in the legal system, the Minister of Justice in 1985 proposed a change in the magistrate system to require that three investigating magistrates rather than one agree before arresting and detaining a suspect for certain crimes.

In an effort to contain violence and in response to Spanish Government requests, the French Government in 1985 continued its policy of "assigned residence," moving Spanish emigre Basques suspected of terrorist connections to towns in northern France. The Government also continued, at a lower rate than in past years, its policy of expelling accused Basque terrorists, mostly to African nations.

The Government ordered banishment of three French citizens of New Caledonia from the island due to their alleged roles in promoting violence and racial hatred. However, authorities have been unable thus far to apprehend them, and they presumably remain in hiding in New Caledonia. The expulsion action was taken under a "state of siege" declared by the French High Commissioner, under provisions of the French Constitution, and was highly exceptional.

In general, the Government sets great store by France's tradition as a refuge for victims of political and religious persecution.

e. Denial of Fair Public Trial

The right of fair public trial is guaranteed by law and respected in practice. Suspects have the right to legal counsel as soon as their case is transferred from the police to the magistrate. For misdemeanors, pretrial confinement is limited normally to 4 months, with possible extensions in special circumstances not to exceed 8 months. For felonies,

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pretrial confinement is not limited. French law provides for the right of appeal, except in jury trials of felony cases. An appeal in felony cases is possible to the Cour de Cassation, but this court rules only on procedure. No appeal is possible that involves review of the facts of the case.

Trials in France are normally open and public, though provisions exist for the defense to request a closed proceeding. The press has free access to records of court proceedings, but under French law the prosecutor may not disclose information about cases being tried or investigated. Though the judiciary is independent, the courts are not immune from subtle political or public pressure in certain cases. There is no evidence that the authorities detain any person for political reasons.

Pending completion of legislative reforms, legal proceedings have been suspended against individuals whose requests for conscientious objector status were rejected. There are still some individuals, however, who are now serving prison terms imposed prior to 1983 by the now defunct permanent tribunals of the armed forces because they did not present such a request and refused military service.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

French law guarantees freedom from invasion of privacy, and this freedom is respected in practice. The search of a private residence requires a search warrant and must take place between 9 a.m. and 6 p.m. except in special cases, such as drug offenses, when the search can be undertaken at any time. Telephone conversations may be monitored in conjunction with criminal proceedings with a court order and in national security cases with administrative approval from the agency conducting the investigation. The authorities have occasionally opened correspondence to enforce currency regulations, though this is not a widespread practice.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Freedom of speech and press are guaranteed by law and respected in practice. Newspapers and magazines are free from government control and carry views ranging across the political spectrum. Major radio and television stations are state-owned, though the Government is not directly involved in their daily operation. These media are subject to the jurisdiction of a "high authority" whose members are appointed by the President, the National Assembly, and the Senate. Since 1983, private "free" radio stations have been in operation, many of which are sympathetic to the current political opposition. The Government has announced plans to allow the establishment of private television channels. Allegations of government pressure on television and radio continue to be heard and denied. In practice, government ownership of the audiovisual media do not seem to represent a limitation of press freedoms.

b. Freedom of Peaceful Assembly and Association

Freedom of peaceful assembly and association is constitutionally guaranteed and respected in practice.

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Labor unions have the right to organize free from government control. Although only one-fifth of labor is unionized, trade unions exercise significant economic and political influence. They are present and active in numerous tripartite (government, employers, and labor) bodies dealing with social matters, including labor courts and the Economic and Social Council, a constitutionally mandated consultative body. All unions are technically independent of the political parties, but many of the leaders of France's largest union, the General Confederation of Labor, belong to the Communist Party (the General Secretary traditionally is a member of the Communist Party Political Bureau). Leaders of most other unions are members of one or another faction of the governing Socialist Party although members of other parties are also active in the labor movement. Despite this, all unions and employers associations are very active in the International Labor Organization and other international organizations. French workers are free to strike, with a few minor exceptions where strikes are determined to be a threat to public safety.

During the summer of 1985 the General Confederation of Labor undertook a series of increasingly provocative "commando" actions such as blocking rail lines and major city streets and occupying factories. Despite considerable provocation including physical attacks against the police, the Government so far has succeeded in ending these actions with a minimum of force.

The only major abridgment of freedom of assembly in 1985 came in New Caledonia, where widespread disorder and violence led the French High Commissioner to impose a state of siege and a curfew. During the summer the situation became somewhat calmer in anticipation of regional elections, and the state of siege was ended. Regional elections took place without major incident in September.

c. Freedom of Religion

Roman Catholics comprise by far the largest religious group in France. Separation of church and state is guaranteed by law. All religious groups function freely without persecution or restrictions. Despite strong initial public opposition to proposed legislation regarding private (largely Catholic) schools, the Government in 1984-85 succeeded in passing compromise education reform measures which allow public authorities some say in private school personnel practices.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

French law provides for freedom of internal movement, foreign travel, emigration, and repatriation. Arriving refugees, intending emigrants, and intending repatriates can undertake foreign travel and, in most instances, return to France. Although new measures to control immigration announced in 1984 could, among other things, sharply restrict the right of some aliens to settle their families there, France has an extensive record of refugee aid and resettlement.

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

The Constitution guarantees the equality of all citizens before the law, without regard to origin, race, or religion.

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All French citizens of both sexes who have reached majority may vote. These provisions are fully respected in practice. A wide variety of political parties compete freely in elections. In addition to national, presidential, and legislative elections, there are regularly scheduled local elections. For several years, the Government has been transferring selected powers from the executive branch to the locally elected assemblies. Many special interest groups--business, labor, veterans, consumer advocates, ecologists, and others--organize freely and regularly run candidates for elective office. While isolated incidents of racial, religious, or political discrimination occur, particularly against the large immigrant community, the authorities do not condone them. The Government passed a law in 1985 guaranteeing a vote on self-determination in New Caledonia before the end of 1987.

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

France has traditionally been a leader in the human rights area and has long been a member of the United Nations Human Rights Commission. Human rights organizations operate freely in France, including Amnesty International, the International Federation for Human Rights, and the International Institute for Human Rights.

In its 1985 Report (covering the year 1984), Amnesty International expressed continued concern about the imprisonment of conscientious objectors. Freedom House rated France "free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

France has an advanced industrial mixed economy accompanied by a system of social assistance to needy members of the population. Its population is 55,041,000, and its per capita gross national product was \$10,500 in 1983.

Discrimination based on race, religion, sex, ethnic background, or political opinion is not condoned by the authorities. Food, shelter, health care, and education are available to all inhabitants. Life expectancy at birth is 74.9 years, and the infant mortality rate is 8.2 per 1,000 live births. The adult literacy rate is 99 percent.

With a few minor exceptions for those enrolled in recognized apprenticeship programs, children under the age of 16 may not be employed. Certain categories of work considered to be arduous and night work (10 p.m. to 5 a.m.) may not be performed by persons under the age of 18, or by women in manufacturing, mining, the public sector, unions, and nonprofit organizations, with the exception of women with managerial responsibilities. This prohibition does not apply to women in commercial establishments or the health sector where no manual work is involved.

France has a minimum wage of about \$3.00 an hour. The standard work week is 39 hours, and overtime is controlled. In general terms, French labor legislation and practice, including that pertaining to occupational safety and health, are fully compatible with those in other industrialized market economy countries. The minimum wage is somewhat less in the

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overseas departments, and not all social legislation applies in the overseas territories.

Women have equal status under the law, but they remain engaged in continuing efforts to maintain and strengthen their rights. A Cabinet-level ministry is charged with promoting women's rights. The Government has taken steps to close loopholes in French legislation on sex discrimination in the workplace and to eliminate sexist advertising. In 1985 it passed legislation to ensure more equality in marriage rights.

The current Government has made a major effort to recognize the rights of linguistic and ethnic minorities, whether in metropolitan France or overseas. In August it announced measures to foster the study of regional languages such as Breton. It has also shown itself sensitive to the rights of immigrants, emphasizing the need to coexist peacefully without forcing them to assimilate completely into French culture.

In New Caledonia, the Government has worked constantly to reassure the Melanesian sector of the population that its rights and customs will be respected. Deep-rooted antagonisms between ethnic communities still exist, however, leaving a potential for violence. Further exceptional measures by the Government could be required, such as during the previous "state of siege." Similarly, there is a potential for renewed violence in the overseas department of Guadeloupe, where rioting and a general strike paralyzed the island for several days in July.

GERMAN DEMOCRATIC REPUBLIC

The German Democratic Republic (GDR or East Germany) was created in 1949 as a Communist state out of the Soviet occupation zone of Germany. There are still approximately 380,000 Soviet troops stationed on its soil. The country is ruled by the Communist party, known as the Socialist Unity Party (SED), which closely resembles the Soviet model. The four other parties have no real power or independence, and the SED leadership makes all important political, economic, and social decisions.

Despite such formidable barriers as the Berlin Wall, deep historical, cultural, linguistic, and family ties remain between the people of the German Democratic Republic and those of the Federal Republic of Germany. Concern that such ties and constant exposure to Western values could undermine support for the Communist system is a central reason for the Government's tight control over its population. For this purpose, the GDR has an efficient security apparatus administered by the Ministries of the Interior and State Security. Together, they employ approximately 300,000 people.

The German Democratic Republic has a centrally planned economy in which the bulk of industrial and agricultural property is state-owned. Although holding private property is permitted, controls are placed on its acquisition, inheritance, and the income derived from it. Private businesses are few and tightly controlled.

The German Democratic Republic continues to restrict, through use of the large secret police apparatus supplemented by informers, the fundamental freedoms of thought, speech, religion, assembly, and travel. The secret police opens mail, installs listening devices, places people under surveillance, subjects them to interrogation and intimidation, and arrests them without due process. During 1985, the rate of emigration increased somewhat over the 1980-83 average. The Government reportedly dismantled all automatic shooting devices along the border with the Federal Republic of Germany and has promised to remove all mines. A slightly more lenient attitude toward some religious groups has recently been apparent.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

Political killings in the German Democratic Republic appear to take place only in the context of attempts to leave the country by crossing the border without authorization. A 1982 law codified orders to border guards that they should shoot, if necessary, to prevent a person from leaving the country without permission. It is not known how many people have been shot while trying to flee to West Germany or West Berlin. The borders remain nearly impenetrable. Although the East Germans have announced the dismantling of the last automatic shooting devices along the border and the forthcoming removal of minefields, a heavily guarded fence 500 meters behind the frontier has helped reduce unauthorized border crossings from 192 in 1984 to 96 through the end of August 1985. Any who attempt escape still risk death. No exact figure for the number of unsuccessful escape attempts, and possible resulting

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deaths, can be given since border guards from the Federal Republic of Germany are not necessarily aware of all incidents.

b. Disappearance

There were no reports of permanent disappearance during 1985.

c. Torture, and Cruel, Inhuman or Degrading Treatment or Punishment

There were no reports of systematic torture in 1985. Specific laws state that the life, health, and the ability to work of arrestees and prisoners must not be jeopardized. However, former detainees and prisoners have reported excessively harsh conditions and psychological strain in GDR prisons. Former political prisoners have reported 13-hour workdays without any day of rest. In 1985, an investigatory commission of the European Parliament heard testimony describing beatings and the use of cramped "tiger cages" in GDR prisons. In general, however, the use of repressive psychological measures (such as the denial of family visits, mail, and packages) seems to be more common.

d. Arbitrary Arrest, Detention, or Exile

In practice, the police have blanket authority to detain and interrogate East Germans on suspicion alone. East Germans who become particularly active in officially disapproved ways are sometimes subject to repeated harassment, such as regular police interrogations, despite the absence of formal charges. They may be arrested with or without warrants and merely for expressing dissenting views. When held in detention, a person does not have the right to a judicial determination of continued detention.

Although the criminal procedure code sets a limit of 3 months on investigatory proceedings, prosecuting authorities appear to have no difficulty in extending this period. In most political cases it takes longer than 24 hours--often many weeks--before interested parties are notified of the arrest. Furthermore, the code does not specify a maximum time period which may elapse before a detained person may see a lawyer. Although the code guarantees access to a defense attorney, the prosecutor may monitor or restrict contacts between the defense attorney and his client as he sees fit.

Charges filed in clearly political cases are often based on laws which are written in vague and general language. The Penal Code provides, for instance, that the transmission of information "detrimental to the interests of the German Democratic Republic," even if it is not secret, may be considered treason. Laws against "anti-state agitation" and "asocial behavior (parasitism)" are often applied selectively against citizens who become politically active. Their broad and vague wording severely restricts the possibility for defense. Amnesty International states that it has yet to learn of an acquittal when a prisoner has been brought to trial under these laws.

Forced labor as a means of political coercion or education is not practiced in the German Democratic Republic.

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e. Denial of Fair Public Trial

GDR law provides for a fair public trial for defendants in civil and criminal cases. In cases involving security and political issues, however, judges may bar individuals or groups from "open trials." Prisoners are allowed to choose a lawyer from a list of those available in their area. However, all attorneys are state employees, and only a handful are willing to take on political cases. Until investigatory proceedings are completed, prisoners may see their lawyers only in the presence of the secret police and may discuss only matters not relating to the case. Discussion of a case itself usually takes place in a brief interview shortly before a trial. Attorneys are not allowed to make photocopies or tape recordings of their clients' files; files may be reviewed only in court and notes must be taken in longhand.

Trials tend to be short and perfunctory. Constitutionally, the courts are under the control of the Council of State; in reality, they are controlled by the SED, which appoints the judges. Military courts try civilians only in military espionage cases.

The German Democratic Republic does not admit to having political prisoners, nor does it publish statistics which would assist in determining the number of political prisoners held. The West German-based International Society for Human Rights estimates that there are 6,000 political prisoners in the German Democratic Republic. The August 13 Working Group, a West Berlin human rights organization, presently places the number at 8,500, a decline from its earlier estimates.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

By law, the police need authorization to enter and search a house, but they may authorize entry themselves, and the courts will retroactively give approval. It is routine and legal for the state security organs, solely on their own authority, to tap telephones and open mail. Evidence thus obtained can be used in court. The Government has achieved its goal of instilling a widespread belief that state security informants are ubiquitous and discovery of opposition to the state is certain.

All printed materials require an official permit. Only magazines and newspapers bearing a postal license may be legally imported and distributed. West German television can be viewed by 80 percent of East Germans, and Western radio broadcasts can be heard throughout the country. There are no government attempts to jam or otherwise hinder these broadcasts.

Young people are not forced to join the SED's youth movement, the Free German Youth, but school and government authorities make it clear that failure to join this group will limit educational and job opportunities.

East Germans must obtain government permission to marry foreigners. The authorities appear to be following faithfully the letter of an October 1983 law which specifies that applications for binational marriage should be decided within 6 months of completing an application, though the process of assembling documents can be time-consuming.

GERMAN DEMOCRATIC REPUBLIC

East German citizens in positions deemed "sensitive" by their Government may not be visited by or even maintain contacts with close relatives who live in the West. Emigrants from the German Democratic Republic must generally wait 5 years before they may return to visit relatives.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

All media are controlled and censored by the Government, and all publications must be licensed before distribution. Western newspapers and magazines, other than politically acceptable publications such as those of Western Communist parties, are generally unavailable to the general public. Small quantities of Western journals are for sale for hard currency in international hotels upon request. Some libraries, university departments, and official institutes also receive Western journals, but circulation is highly restricted. East Germans and Western travelers may be interrogated or arrested simply for possessing unlicensed printed material. Contact with Western journalists is severely limited by law; for the average East German, such contact is illegal.

The SED conceives of art and literature as a means of promoting political goals. Works are judged on the basis of their conformity to "socialist realism", i.e., whether they convey a clear, optimistic view of Communist society and goals. Contrary views or perceptions are discouraged or censored. Professional associations for writers and artists are headed by party members and controlled by the state. Dissidents and critics have been expelled and deprived of important professional privileges. Publishing houses practice self-censorship, and works must receive official clearance before they are published, performed, or exhibited. Some works are banned completely; others may be published only outside the country under contracts negotiated by the state-run agencies; others are permitted to be published, performed, or exhibited in the German Democratic Republic only in edited form. East German cultural figures continue to emigrate to the Federal Republic to escape these government restrictions.

Individual academic freedom is severely limited. The State views education as an instrument for "building socialism." All areas of academic inquiry are strictly controlled. Teachers who allow open classroom discussion of unapproved themes or topics or who deviate from the party line are disciplined. Many books are prohibited totally; others are permitted only in university libraries to which only carefully screened and authorized personnel are allowed access.

b. Freedom of Peaceful Assembly and Association

Although the Constitution provides for freedom of assembly, only government-organized demonstrations are allowed. The formation of private organizations or clubs also requires state permission. Environmentalist Udo Zeitz applied for permission to emigrate after his request to form an association for environmental protection was denied. His continued protest against GDR environmental policies and denial of his right to emigrate led to his arrest and

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conviction to 3-1/2 years of imprisonment on charges of "defamation of the German Democratic Republic."

GDR workers do not have the right to establish and join unions of their own choosing. The Free German Trade Union is an appendage of the SED. It is made up of 16 unions covering all workers and professionals. Its role is to enforce and promote official government and party policies rather than to promote members' interests which might conflict with those policies. The right to strike does not exist in the German Democratic Republic.

c. Freedom of Religion

The Constitution guarantees freedom of religious belief and worship, but the State officially promotes atheism. In practice, the State tolerates but does not encourage, religious activity. Overt adherence to religious beliefs may result in disqualification for preferred jobs and educational opportunities, although the Evangelical Lutheran Church, the largest in the German Democratic Republic, has had some success in pleading the cases of its members who have suffered such discrimination.

Clergy and lay members of Western churches have been permitted to attend church synods and conferences at a national ecumenical level, and some GDR religious leaders have been allowed to attend similar meetings in the West. However, the Evangelical Lutheran Church complained at its regional synod in Dresden in 1985 that GDR authorities are increasingly refusing West German church members permission to visit affiliated congregations in the German Democratic Republic. The authorities prohibit official relations between East and West German congregations and does not permit personal visits by West German clergy when they suspect church business will be discussed.

New churches continue to be built in limited numbers with government approval. However, the Evangelical Lutheran Church Synod also complained that government assistance in restoration and upkeep of existing churches was insufficient owing mainly to the lack of building materials.

Under continuing government pressure to watch its words and deeds, the Evangelical Lutheran Church showed more caution in 1985. Secret police continue to monitor church-sponsored events closely. Nevertheless, the church remains the only institutional forum where divergent opinions can be expressed with relative freedom.

The Government has demonstrated some flexibility in its treatment of minority religions. A Mormon Temple was dedicated in Freiberg near Dresden, and Christian Scientists have begun receiving church literature promised to them during a meeting with government officials in December 1984. However they, like the Jehovah's Witnesses, are still under court orders restricting their religious practice. An American Jewish organization has received official encouragement in its efforts to arrange for a rabbi to be sent to reside in East Berlin, where for years there has been no rabbi to serve the tiny Jewish community.

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d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.

Most East Germans can travel freely within the country, except near borders or military installations. They are not allowed to change their place of residence without government permission. All citizens must carry identification cards which the police have the right to check at will. Because of their criminal or political activities, including the filing of emigration applications, approximately 60,000 East Germans carry a special identification card, called PM-12, which in many but not all cases restricts their domestic as well as foreign travel.

Foreign travel is tightly controlled, except to Czechoslovakia, which East Germans can visit using only a normal identification card. Travel to other Communist countries is restricted, and travel to Poland strictly controlled. With few exceptions, travel to non-Communist countries is not allowed until East Germans reach retirement age (60 for women, 65 for men).

In 1985, a total of 24,912 East Germans legally emigrated to the Federal Republic of Germany. The 1985 monthly rate of emigration visas issued was higher than the average of 900-1,000 visas in recent years, except 1984 when the authorities allowed about 40,000 people to emigrate. Nonetheless, only a fraction of those wishing to leave have been allowed to do so. Some Western authorities estimate that as many as 300,000 to 500,000 applications are still pending.

A law effective October 15, 1983 narrowly restricts cases of family reunification to first-degree relatives (parents or children) and spouses. Though some East Germans other than those with first-degree relatives have been allowed to leave, the narrow definition of eligibility for emigration has created difficulties for the large majority of applicants. Many successful applicants wait from 1 to 5 years for permission to leave, often in the meantime suffering loss of employment and even imprisonment.

Those who left the country illegally before January 1, 1981 are eligible to apply for permission to visit, but reportedly only half of those who have applied have obtained visas. Those who fled after 1980 face criminal prosecution if they return to the German Democratic Republic. Those who emigrate legally must generally wait 5 years before they are permitted to return again.

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

The Government is completely dominated by the Socialist Unity Party. Although four other parties are represented in the Government, they are not permitted to challenge Communist doctrine or control. All decisions are made by the SED leadership; lower-level representatives are expected only to approve and to carry out these decisions. The unicameral legislature, the Volkskammer (People's Chamber), never rejects government proposals. The SED also determines who will fill executive positions in the Government and ensures that its members fill a majority of the positions.

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All parties and mass organizations (such as the trade unions) are represented in the National Front, which is controlled by the SED. For election purposes, the National Front prepares lists of approved candidates according to a formula which ensures the SED's complete domination. The list of candidates on a ballot exceeds the number of available seats, and a candidate high on the list may be rejected if more than 50 percent of voters cross his name off the ballot. In such a case, a candidate lower on the list may be elected.

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

The German Democratic Republic is a signatory of the Final Act of the Conference on Security and Cooperation in Europe. However, it has generally taken the position that inquiries into its human rights policies constitute interference in its internal affairs. Requests by private human rights groups in the West for information on human rights conditions go unanswered, and the Government does not permit visits by such groups. No unofficial human rights groups are known to exist in the German Democratic Republic. The government-sponsored Committee for the Protection of Human Rights does not attempt to safeguard the human rights of East Germans but to criticize human rights conditions in other countries while claiming there are no problems in the German Democratic Republic.

In its 1985 Report (covering the year 1984), Amnesty International expressed continuing concern about the large number of prisoners of conscience, most of them imprisoned for attempting to leave the country without permission or for trying to obtain permission to do so. Other prisoners of conscience included peace campaigners, dissenting Marxists, and conscientious objectors to military service. Amnesty International was also concerned that political prisoners were tried in secret and therefore denied the right to a fair public trial. Freedom House rated the German Democratic Republic "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The German Democratic Republic, which claims a population of over 15,500,000 plus almost 1.2 million in East Berlin, has a highly industrialized, centrally planned economy. It is generally an importer of raw materials and an exporter of manufactured goods. All large industrial, retail, and agricultural properties are state-owned, but small private businesses with fewer than 10 employees are permitted. Over 90 percent of the farmland is collectivized or state-owned, and only 2 percent of the labor force is still privately employed.

An extensive social welfare system provides free medical care to the population. According to the World Bank in 1984, life expectancy at birth was 73.1 years, and the infant mortality rate was 11 per 1,000 live births. However, serious shortages of hospital beds and medicines are reported. East Germans may now receive medicines from the Federal Republic against their local prescriptions. Even seriously ill patients must wait several months or years for hospitalization or surgery, unless they can pay for admission to "hard currency wards" which have been established in several hospitals.

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The supply and safety of drinking water is of growing concern to the Government and the local population. At present the use of water--15 billion cubic meters per year--is extremely close to the total amount available for use. Reports from provincial areas indicate that drinking water is increasingly contaminated through the overuse of pesticides and fertilizers, chiefly nitrates, and illnesses and birth defects from drinking unsafe water are increasing.

Housing remains the most serious shortage. Single residents in East Berlin usually wait more than 18 months for housing and married couples often wait more than 1 year. The Government is committed to a major housing construction program lasting until 1999. The authorities also encourage private initiative in repairing or building homes by providing low interest loans, but building materials are often in short supply.

Literacy is almost universal. Free and universal education is provided through the 12th year. Almost all school-aged children attend school. The number of students in institutions of higher learning is a function of projected needs. Competition is keen, and admission is usually as much a matter of the student's political acceptability as academic promise.

Children may work part-time during vacations and to further their education from age 14 onwards, and full-time with permission of their parents between the ages of 14 and 18. Children under the age of 18 may not work between 6 p.m. and 6 a.m.. The workweek averages 43-1/2 hours a week, and a 2-day weekend is common. Minimum paid holidays total 18 workdays a year, and certain persons, such as mothers with small children, have the right to additional days of paid holidays.

In general, health and safety standards are adequate, but occasional reports persist of poorly maintained or overtaxed industrial plants and machinery. Railway workers have complained repeatedly that the freight transport capacity of the railway system is overextended and leading to safety problems.

Men and women are treated equally in most respects. The retirement age for women is 60, for men 65. As one of the many incentives to increase the birth rate, women are given extensive maternity leave with pay. Eighty-seven percent of women of working age are employed, and there is a comprehensive child care system for working parents. Women are given one day a month off to do household shopping, as are single or divorced fathers with custody of children. Women can be found in all professions except the military, from which they are exempt except in times of war. There are few women in high positions in the party and Government and in most professions, although they are well represented in the medical profession.

The Sorbs, a Slavic group located around Cottbus and Dresden and numbering about 45,000, constitute the only remaining significant ethnic minority in the German Democratic Republic. The Sorbs are well integrated into the general population, and there is no apparent discrimination.

FEDERAL REPUBLIC OF GERMANY

The Federal Republic of Germany (FRG) is a modern and stable parliamentary democracy. On the national level, there is separation of power between executive, legislative, and judicial branches. There is also division of governmental authority between national and state governments. The latter retain significant autonomy, especially in matters relating to police and judiciary, culture and education, the environment, and social assistance. The head of government, the Chancellor, is elected by the Bundestag, the lower house of Parliament. The powers of the Chancellor and of the Parliament, which are substantial, are set down in the Constitution (Basic Law) adopted in 1949. The Bundestag is elected through a mixture of direct constituency candidates and party lists. Members of the second house of Parliament, or Bundesrat, are appointed by the state governments.

The Federal Republic has been ruled since its creation by a number of governments headed by one of the two major parties, the Christian Democratic Union (CDU) or the Social Democratic Party (SPD). The current Government is led by a coalition of the Christian Democratic Union, joined by its Bavarian sister party, the Christian Social Union, and the Free Democratic Party. The SPD is the leading opposition party.

Organized essentially at the state (Land) level and operating under the direction of state governments, the police are highly disciplined and scrupulously respect human rights. In dealing with hostile elements, including terrorists, special care is taken to respect the rights of the accused.

The economy of the country is highly industrialized. The population is highly educated and enjoys one of the highest standards of living in the world. The Government of the Federal Republic scrupulously protects human rights. It does not subordinate women or any other social group.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

Politically motivated killing by the Government or by constitutional political organizations is unknown. However, terrorist groups on the far left (Baader-Meinhof and its successor groups, including the Red Army Faction - RAF) and the far right (neo-Nazi groups) have in the past engaged in political violence. There were four politically motivated assassinations in the FRG during 1985: German industrialist Dr. Ernst Zimmermann by RAF terrorists in Munich on February 1; Libyan opposition politician Gebril Denali by unknown terrorists in Bonn on April 6; Moroccan citizen Mustafa Talmine by a Libyan national in Aachen on April 13; and U.S. soldier Edward F. Pimental by RAF terrorists in Wiesbaden, on August 8.

Other politically motivated actions ending in deaths included the bomb attacks at the Frankfurt airport on June 19, resulting in 4 deaths and 46 injured, and at the U.S. Rhein-Main airbase in Frankfurt by RAF terrorists, resulting in 2 deaths and 17 injured.

FEDERAL REPUBLIC OF GERMANY

In two attempted bomb attacks, the bombs exploded prematurely, killing the persons planting the bombs, on January 20 in Stuttgart-Vaihingen and on June 1 in Hannover.

b. Disappearance

Governmental or police authorities have not abducted or secretly arrested persons. There have been no kidnappings by political terrorist groups for several years.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Police authorities do not physically or mentally torture prisoners, nor do they engage in cruel, inhuman, or degrading treatment. Prison conditions are not substandard.

d. Arbitrary Arrest, Detention, or Exile

No person may be arrested in the Federal Republic except on the basis of an arrest warrant issued by a competent judicial authority. Any person arrested by the police must be brought before a judge and charged no later than the end of the day following the day of apprehension. There is no preventive detention except that a prisoner may be detained no longer than 24 hours while awaiting a formal charge if there is evidence that he might seek to flee the country to avoid prosecution. The right of free access to legal counsel has been restricted only in the cases of some terrorists who have used contacts with lawyers to promote and continue terrorist activity even while in prison. Only judges may decide on the admissibility or continuation of any deprivation of liberty. Bail bond exists in the Federal Republic but is seldom employed. The Basic Law prohibits forced labor, and there have been no complaints of violations in 1985.

e. Denial of Fair Public Trial

Trials are public. The Basic Law assures due process and prohibits double jeopardy. The judiciary is free of both government interference and intimidation by terrorists. There are no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The sanctity of the home is guaranteed by the Basic Law and fully respected in practice. Prior to forcible entry by police into a home, a warrant must be issued by a judge or, in an emergency, by a public prosecutor. Electronic surveillance may be undertaken only after authorization by a court order. Mail is not monitored.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The provisions of the Basic Law, an independent press, an effective judiciary, and a functioning democratic political system combine to ensure freedom of speech and press. Criticism of the Government is unrestricted. The media and artistic works are not censored. Academic freedom is also unrestricted. There is no censorship of foreign or domestic books. In April, the Bundestag amended the law on defamation

*Censorship in Germany of certain books + articles.
so much books!*

FEDERAL REPUBLIC OF GERMANY

to make illegal any denial of the fact of Nazi crimes or the crimes of other tyrannies. Newspapers and magazines are privately owned. Radio and television networks and stations exist, for the most part, as corporations. They are governed by independent boards made up of representatives of churches, political parties, and other organizations. A few experimental private cable television stations and local cable television networks have been set up. Legislation is under consideration in some German states to facilitate and encourage private television stations using cable, satellites, and other "new" media.

b. Freedom of Peaceful Assembly and Association

The rights of assembly and association are fully respected, as is the right to demonstrate. Organizers of street demonstrations are required to obtain police permits beforehand and may be asked to pay a deposit to cover the repair of any damage to public facilities. When demonstrators have not obtained the required permits, police have exercised considerable restraint, showing concern ultimately only for the continued functioning of public facilities and for the safety of the general public.

Membership in nongovernmental organizations of all types, including political parties, is completely free. Parties found to be "fundamentally antidemocratic" may be outlawed. Under this constitutionally based provision, the Constitutional Court, in the 1950's, declared both a neo-Nazi and a Communist party to be illegal.

The right to organize, strike, and bargain collectively is recognized and exercised freely in the Federal Republic. The country has a long-established and highly organized labor movement, with about 40 percent of the eligible work force unionized. The German Trade Union Federation represents over 80 percent of organized workers. Reborn in the wake of World War II, the unions are particularly conscious of their historic role as the protector of workers' rights and a bulwark of the democratic system. They actively participate in the International Labor Organization and in international trade union organizations.

The Moscow-dominated World Federation of Trade Unions, claiming that the FRG practice of excluding alleged political extremists from employment in the FRG civil service violates International Labor Organization (ILO) Convention 111, has lodged a complaint with the international body. An ILO-appointed Commission of Inquiry is expected to conduct an investigation in 1986. The German practice is based on the special oath of allegiance of civil servants to defend actively the State, its institutions, and laws, and stems from a 1972 joint resolution by the Federal and state governments.

c. Freedom of Religion

The practice of religion is completely free. Major religious groups benefit from a state-administered church tax system. The Government subsidizes church-affiliated schools. Personal religious affiliation today plays an insignificant role in politics and commercial life. Members of all religions can be found in all political parties.

FEDERAL REPUBLIC OF GERMANY

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

German citizens are free to move anywhere within the country and to leave and return at any time. Germans who arrive in the Federal Republic from the German Democratic Republic are treated as German citizens and therefore may take up residence without restrictions. The number of resettlers from the German Democratic Republic in 1985 was less than in 1984 (40,974) but still about double the level of 1983 (11,343). The Federal Republic regards itself as the homeland of all ethnic Germans and actively encourages the immigration of ethnic Germans from Eastern Europe.

The Federal Republic remains a favorite destination for both political and other refugees. Since 1982 the Government has sought to restrict illegal immigration and abuse of political asylum status. Nevertheless, after a drop in political asylum applications between 1980 and 1983, the number increased substantially and is estimated to reach 70,000-80,000 in 1985. Meanwhile, the Government continues the measures introduced in 1981, such as denial of work permits and some social services, to make emigration to the Federal Republic less attractive for so-called economic refugees.

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

Under the stable and liberal parliamentary democracy established by the Basic Law, the Federal Republic is ruled by a government chosen by the people through orderly elections based on universal suffrage. Election participation is usually in the range of 90 percent of eligible voters. Candidates for public office are normally members of political parties but are not required to be. Because of the negative experience with splinter parties under the Weimar Republic, the Basic Law and the state constitutions contain provisions that only parties achieving at least 5 percent of the vote can be represented in the Federal and state Parliaments. New political parties are free to form and enter the political process. The Greens, a party concerned about the environment and present in the Bundestag since the elections of 1983, is the most recent party to exceed the 5 percent threshold.

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

The International Society for Human Rights, Amnesty International, and other smaller human rights organizations freely conduct their activities in the Federal Republic. Amnesty International's organization in the Federal Republic continues to express concern about several cases in which conscientious objectors were sentenced to jail and about instances in which convicted terrorists have been placed under special restrictions in prison.

Amnesty International's 1985 Report did not mention the FRG. Freedom House rated the Federal Republic "free."

The Government considers the international promotion of human rights one of its highest priorities.

FEDERAL REPUBLIC OF GERMANY

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The population of the Federal Republic, now just over 61 million, decreased marginally in 1984. Per capita gross national product was 11,430 in 1983. The Federal Republic has an advanced industrial mixed economy. The Government seeks to promote economic growth and minimize unemployment through monetary and fiscal policies designed to promote favorable business conditions.

The social welfare system in the Federal Republic is of long standing and provides relatively generous benefits. The budgetary austerity of the past few years has resulted in some marginal reduction of basic social welfare benefits, which include old age and disability pensions, unemployment compensation, and medical care. Life expectancy at birth is 73.7 years, and the infant mortality rate is 9.3 per 1,000 live births (1984). There is no discrimination in the extent to which shelter, health care, and education are available to all inhabitants, regardless of race, religion, sex, ethnic background, political opinion, or citizenship.

Federal law generally prohibits the employment of children under age 15 with a few specific exceptions: children aged 13 and 14 may engage in farm work for up to 3 hours per day or may deliver newspapers for up to 2 hours per day; children aged 3 through 14 may take part in cultural performances under stringent conditions with regard to number of hours, time of day, and form of activity.

In the absence of minimum wage legislation, wages generally conform to the pattern set in collective bargaining. There is federal legislation setting occupational safety and health standards.

Since the passage of an equal employment rights law in 1982, women are guaranteed equal employment at the workplace. They play significant roles in all political parties and are increasingly rising to management and leadership positions in the private and public sectors. In organized labor, about 20 percent of union members are women, and a woman has served as president of the second largest trade union since 1982.

The majority of women, however, do not work outside the home. The rate of participation of women in the labor force, about 38 percent, is below the average in the European Economic Community, and most working women are employed in traditional fields. Moreover, protective legislation bars women from certain heavy industrial occupations and also generally bans night work. Young women experience difficulties in gaining access to training in some traditionally male-dominated fields. Recent court rulings and government pilot programs have helped break down some of these attitudinal and institutional barriers.

The Government has pursued a three-pronged policy with regard to foreign workers: integration of longtime residents, limitation of further entries, and repatriation aid for those willing to return to their home countries. A 9-month special program of repatriation aid to unemployed foreign workers, in the form of repatriation bonuses and reimbursement of social security contributions, stimulated the departure of about 300,000 persons, reducing the foreign population to 4.4 million in 1984. A national debate has been under way over

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whether the rights of guest workers should be broadened to permit unlimited residence and the right to vote or reduced by limiting the right of entry for dependent children.

GREECE

Greece is a republic with a democratically elected parliament. Several political parties participate in periodic legislative elections, the most recent of which was in June 1985, and the leader of the party with the largest vote becomes Prime Minister. Elections for the Presidency of the Republic are by popular vote. All elections are vigorously and freely contested.

The judiciary is independent of both the executive branch of government and Parliament and operates within a civil law framework with precedents from Roman law and French and German sources. Police practices respect detainees' rights.

A member of the European Economic Community, Greece is classified as a developed country by United Nations standards. Nevertheless, it has some attributes of a developing country and a tradition of state intervention in the economy.

The full range of universally acknowledged human rights is guaranteed by the Constitution, which includes many of the provisions of the United Nations Universal Declaration of Human Rights. The Government, many of whose members suffered abuses during the junta period (1967-74), is sensitive to the protection of individual freedoms. Allegations of abuses fall in the area of religious expression, guaranteed within certain limits by the Constitution.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

In general, the individual is secure in Greece. Nevertheless, the "November 17" revolutionary organization, whose earlier victims included U.S. officials, claimed responsibility for the February 21 murder of newspaper publisher Nikos Momferatos. The "Anti-Military Struggle" took responsibility for gunning down prosecutor George Theofanopoulos on April 1. On September 18, a resident Arab magazine editor was shot dead outside his office, for which Black September claimed responsibility. The Government has strongly condemned terrorist acts and implemented measures to prevent their recurrence.

b. Disappearance

There were no reports of abduction, secret arrest, or clandestine detention during 1985.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Freedom from torture is guaranteed by the Constitution and respected in practice. In November 1984, the Parliament passed legislation making the use of torture an offense punishable by sentences of from 3 years to life imprisonment. There were no reported allegations of torture in 1985. However, in its 1985 Report, Amnesty International states that in October 1984 in discussions with Greek officials it had raised "allegations that some criminal suspects had been ill-treated."

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Prison and detention facilities provide adequate health care and diet. No distinction according to social class, race, sex, religion, or type of conviction is made in the treatment of prisoners. Cases requiring medical treatment receive special attention. Once sentenced, prisoners may be visited by family members 3 times per week.

d. Arbitrary Arrest, Detention, or Exile

Freedom from arbitrary arrest or imprisonment is guaranteed by the Constitution, and this provision is respected in practice.

Preventive detention does not exist in Greece. A person arrested on warrant or while committing a crime must be brought before an examining magistrate within 24 hours and charged. This magistrate must issue a warrant of imprisonment or order the release of the detainee within 3 days of the examination unless special circumstances require a 2-day extension of this time limit. The Constitution further states that the maximum duration of detention pending trial may not exceed a period of 1 year in the case of felonies or 6 months in the case of misdemeanors. A decision of a judicial council is required to effect extensions of these maximum durations (by 6 or 3 months, respectively) in exceptional cases. In practice, trials generally take place within 4 months of the submission of charges. Exile as a judicial remedy or government practice does not occur in Greece.

The Constitution expressly prohibits forced labor, and no violations are known to have occurred in practice.

e. Denial of Fair Public Trial

Fair and public trials are guaranteed by the Constitution and provided in practice. Defense lawyers are available to all accused. Court sessions are public unless, as provided in the Constitution, the court decides that privacy is required for the protection of victims, when juveniles or morals offenses are involved, or in matters of national security. This latter provision is not abused. There is also a legal provision permitting a closed hearing for the sensitive portion of cases dealing with public order. In such instances, none of which is known to have occurred during 1985, the court by law must publicly pronounce its "reasoned decision" on the matters heard privately. A defendant may appeal a court verdict to an appeals court. Military courts have no jurisdiction over civilians. A 1983 case involving the trial and sentencing of a U.S. serviceman in a manner which did not meet standards of due process set forth in the applicable status of forces agreement is still under review by Greek authorities.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The inviolability of the home as well as of an individual's personal and family life are guaranteed by the Constitution. No house search may be made except when and as specified by law and always in the presence of representatives of the judicial power. Warrants, issued by a district attorney (who is considered a judicial officer in Greece), are required for an official to enter a private home. These constitutional guarantees are respected in practice. A constitutional provision requires punishment and "liability for full damages to the sufferer" for violations of the sanctuary of the home

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and for the abuse of power. The Constitution further guarantees privacy of correspondence and communication, and this guarantee was respected in practice in 1985.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Freedom of speech is guaranteed by the Constitution and respected in practice.

The Constitution guarantees freedom of the press and prohibits censorship. Opposition viewpoints are constantly ventilated in the active Greek press, and criticism of the Government is unhampered. Greece's television and radio stations are government-owned and operated. The political opposition states that news and information programming reflects the political perspective of the governing party while its own views are given short shrift. The government response is that it has opened television to the opposition. During elections, television time is given to all major political parties according to their electoral strength. The Constitution allows for seizure, by order of the public prosecutor, of publications which insult the President, offend religious beliefs, contain obscene articles, advocate a violent overthrow of the political system, or disclose military and defense information. No periodicals or newspapers were seized in 1985. Greece has strict libel laws. Violations of these laws are prosecuted under established legal procedures with the safeguards of due process.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly is guaranteed by the Constitution. Limits on outdoor public meetings exist, however, if police authorities determine that a serious disturbance of social and economic life is threatened. In 1985 no public assemblies were prohibited.

The right of association is guaranteed by the Constitution and observed in practice. Workers and employers are free to establish and join organizations of their own choosing without prior authorization, to draw up their own constitutions and rules, elect their representatives, and formulate their programs. They are also free to join in confederations and affiliate with international organizations. Both employer and trade union organizations maintain relations with the International Labor Organization. Trade union and employer organizations are protected against dissolution by administrative authority.

The right to organize and bargain collectively is guaranteed by law. An estimated 35 percent of Greek wage and salary earners are organized in some 4,000 trade unions. As provided by a 1982 law, the purpose of trade unions is to safeguard and promote the occupational, economic, social, and trade union interests of their members. In practice, Greek unions vigorously represent their members in pursuit of those aims. There is one current potential constraint on collective bargaining. As part of its austerity program, the Government on October 18, 1985 issued a legislative act which prohibits through 1987 increases of any kind of compensation which exceed the increases provided by the Government's wage indexation policy.

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The right to strike is guaranteed by the Constitution and by statute to both public and private sector workers with the exception of judiciary functionaries and those serving in the security services, who are prohibited from striking. Other employees of the State or public corporations whose operation is of vital importance in serving the needs of the society may strike only after 4 days' prior notice to their employer, the respective ministry, and the Ministry of Labor. Striking trade unions in such categories are required to supply the necessary staff to meet the essential requirements of the population during the strike.

The main political parties in Greece maintain trade union affiliates, and most Greek trade unionists belong to or support one of those affiliates. In general, the trade union affiliates follow the guidance of their respective political parties. All Greek wage earners by law contribute 0.25 percent of their basic wage to a Ministry of Labor organ known as the Workers' Hearth (Ergatiki Estia). Employers make a matching contribution. The Workers' Hearth uses that fund to finance trade union activities, apportioning funds to the unions in accordance with membership figures. The Minister of Labor has discretionary control over 8 percent of those funds.

c. Freedom of Religion

The prevailing religion is Eastern Orthodox. The Constitution guarantees freedom of religion and prohibits discriminatory practices against religious minorities, which in Greece include small communities of Muslims, Jews, and non-Orthodox Christians. Proselytizing is forbidden by the Constitution.

Greece's small community of Jehovah's Witnesses was affected by the provision in the Constitution which states that "no person shall be exempt from discharging his obligations to the state or may refuse to comply with laws by reason of his religious convictions." In deference to Jehovah's Witnesses, the Government in 1979 modified the compulsory military service law to provide for alternative, noncombat service. Although courts of first instance have, on occasion, handed down lengthy sentences to conscientious objectors who refused military or alternative service altogether, prison terms are sharply reduced in the appellate process. Under the law, a conscientious objector may work in conjunction with his prison sentence so that, in practice, he does not serve a sentence longer than his period of military obligation and could serve a shorter period. In its 1985 Report (covering the year 1984), Amnesty International stated that it knew of some 300 Jehovah's Witnesses imprisoned for conscientious objection to military service.

Amnesty International also noted 285 instances of the arrest of Jehovah's Witnesses for "proselytism," an activity prohibited by the Constitution. Of the 81 cases brought to trial, 14 were given suspended sentences with parole, 58 were acquitted, and 9 were deferred to 1985 and are still pending. The December 1984 conviction of three Protestant missionaries sentenced on charges of proselytizing and causing involuntary abandonment of home by a minor is still pending appeal.

The Muslim minority of approximately 120,000, made up largely of ethnic Turks, is principally located in Thrace in northeastern Greece. The Treaty of Lausanne (1923) includes provisions relating to the educational and political rights of

GREECE

the Muslim minority, all of whom are Greek citizens. Three Muslim members serve in the national Parliament, many villages in Thrace regularly elect Muslim mayors, and there are over 250 mosques in Greece. Members of the Muslim community and Turkish-Muslim organizations located outside Greece have complained that Turkish-language teaching materials imported from Turkey are vetted by Greek officials, as are Turkish teachers assigned to Muslim schools. The Greek Government states that educational materials and teachers are examined to assure they meet Greek standards. Some Muslim leaders have complained that they are not allowed to purchase land from non-Muslims. Greek officials maintain that there is no impediment to the Muslim right to purchase land. There is no evidence that these difficulties reflect a deliberate government policy of political, religious, or cultural repression of the Muslim community. Tensions between Greece and Turkey have made each country's perception of the treatment of its coreligionists in the other country a highly emotional issue, and both countries have viewed human rights questions in light of historical and political differences. There does not, however, appear to be either a generalized pattern of abuses or a policy of official discrimination by the Greek Government.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution guarantees freedom of movement within the country, foreign travel, and emigration. This right is generally respected in practice. Persons intending to emigrate and those returning to Greece experience no discrimination. The Greek citizenship code authorizes expatriation of a citizen of non-Greek ethnic origin who is residing abroad; some Greek citizens of ethnic Turkish background have alleged that their Greek citizenship was revoked while they were studying in Turkey. The Government states that the provision has been used very sparingly, and only after it has been determined that the citizen in question has severed material ties with Greece and established a permanent existence elsewhere. Refugees are not forced to return to homelands from which they have fled.

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

Greece is a multiparty democracy in which all citizens enjoy full political rights, without regard to race, sex, religion, or political persuasion. Greek citizens freely choose the laws and officials governing them. The opposition parties function freely, have access to the media, and hold public meetings.

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

The Government has not objected to visits and investigations by human rights organizations. Amnesty International in its 1985 Report expressed concern about cases of conscientious objectors who had been imprisoned, and of Jehovah's Witnesses who had been detained and prosecuted for "proselytism." Freedom House rated Greece "free."

GREECE

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

A country of just under 10 million people, Greece has a relatively high standard of living. Per capita gross national product (GNP) in 1985 was estimated at \$3,400.

The economy is experiencing problems of budget and current account deficits, and high inflation persists. The rate of inflation, as measured by the consumer price index, is expected to be about 20 percent for 1985, up from 18.5 percent in 1984. Greece has a tradition of state economic activities, and the public sector accounts for over 50 percent of GNP. The Government has established a wide range of controls on retail and wholesale prices, placed strict limitations on the transfer of private capital abroad, rationed credit, and restricted the ability of companies to lay off workers.

Greeks are well-fed: the ratio of calorie supply relative to nutritional requirements is 139 percent. Life expectancy at birth is about 74 years. The adult literacy rate is 91 percent for the population over 10 years old but almost 100 percent for adults below 55 years of age. The infant mortality rate is 14 per 1,000 live births. The Government has a program for upgrading health services, but the quality and availability of medical care, particularly outside the major cities, is often substandard.

The minimum age for work in industry is 15. However, legislation and regulations provide higher minimum ages for work in specified areas or specific jobs. For example, those performing loading or unloading work must be at least 18, while workers for the ports of Piraeus and Thessaloniki must be 21.

The minimum daily wage in Greece as of September 1, 1985, is approximately \$10. The work week is 40 hours in the private sector and 37.5 hours in the public sector. Minimum standards of occupational health and safety are provided for by legislation.

Women are guaranteed by the Constitution the same individual, political, and social rights as men. Women play an active yet still minority role in the political life of the country. At present there are 11 women in the 300-member Parliament. One woman minister and 2 deputy ministers in the cabinet and 5 of the 44 regional governors are women. The position of women in Greek society has undergone rapid change in conjunction with the process of industrialization and modernization. The Government has given concerted attention to the role of women and instituted significant reforms in marriage, divorce, and property laws. Women comprise over one-third of the industrial labor force, and the percentage is increasing.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: GREECE

	1983	1984	1985
I.ECON. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.AID	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN \$-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VDL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	281.3	501.4	501.4
LOANS.....	280.0	500.0	500.0
GRANTS.....	1.3	1.4	1.4
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING...	280.0	500.0	500.0
C.INTL MIL.ED.TRNG...	1.3	1.4	1.4
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	281.3	501.4	501.4
LOANS.....	280.0	500.0	500.0
GRANTS.....	1.3	1.4	1.4
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0
ASSISTANCE FROM INTERNATIONAL AGENCIES			
	1983	1984	1985
TOTAL.....	0.0	0.7	0.0
IBRD	0.0	0.0	0.0
IFC	0.0	0.0	0.0
IDA	0.0	0.0	0.0
IOB	0.0	0.0	0.0
ADB	0.0	0.0	0.0
AFDB	0.0	0.0	0.0
UNDP	0.0	0.7	0.0
OTHER-UN	0.0	0.0	0.0
EEC	0.0	0.0	0.0
			1946-85
TOTAL.....			925.4
IBRD			489.9
IFC			66.8
IDA			0.0
IOB			0.0
ADB			0.0
AFDB			0.0
UNDP			26.1
OTHER-UN			1.2
EEC			341.4

HUNGARY

Hungary is ruled by the leadership of the Hungarian Socialist Workers (Communist) Party which maintains a complete monopoly on political power. Although most civil rights are prescribed by the Constitution, in practice the exercise of such rights is often arbitrarily restricted. Since the early 1960's, the party has gradually eased internal controls and fostered a greater degree of economic well-being. Political expression is still tightly controlled, and participation in the political process is not possible outside the limits set by the party.

The Soviet Union has maintained military forces in Hungary since the end of World War II. In excess of 60,000 Soviet soldiers are currently stationed there.

During the first half of 1985, Hungary held its first local council and parliamentary elections in which multiple nominees were compulsory. Members of the democratic opposition, environmentalists, and reform economists attempted to gain nominations but were unsuccessful.

The secret police and other coercive institutions exist but have become somewhat more circumspect. On the legal side, a recent Hungarian decree reinforced the terms of the police surveillance law. Other decrees in recent years have strengthened the power of the police to search citizens without cause and tightened state control over duplicating machines and over persons without regular employment.

Economic reform is still the key to Hungary's relatively tolerant domestic policies. Although the country has survived 3 years of belt-tightening without too much domestic complaint, the Government is trying to cope with growing popular unhappiness about rising prices and a stationary standard of living by allowing modest wage increases. Hungarians as a whole are significantly freer of the type of economic restrictions and interference with private life which characterize other Warsaw Pact states.

Hungary's human rights record showed some improvement in 1985. As of early October, some dissidents who previously had been unable to receive passports suddenly found themselves free to travel. At the same time, a police surveillance order imposed for political purposes on a dissident economist and writer was removed. Also in October, members of a rock band who had received prison sentences for singing anti-Socialist songs and a stage director sentenced to 7 months in prison on charges of "pornography and Fascism" were released. Purveyors of "samizdat" (self-published) materials continued their activities with the usual harassment by the authorities in the form of fines and the confiscation of those materials. The possibilities of emigration and, especially, visits abroad, including to Western countries, continued as before.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing'

There is no evidence that killing for political motives occurred in Hungary in 1985.

HUNGARY

b. Disappearance

There have been no reported disappearances in Hungary during 1985.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

No known instances of torture have occurred in Hungary in recent years. Citizens, in principle, may bring complaints against the police.

There are three levels of punitive incarceration in Hungary: "workhouse," which allows some privileges of visiting, outside work, and leaving; "jail," which is more punitive; and "prison," which means a maximum-security penitentiary. Confinement conditions vary in relation to the category of incarceration, but all levels are believed to provide adequate diet and health care. Hardened criminals are confined separately from those convicted of petty crimes. With varying degrees of frequency, depending on levels of imprisonment, prisoners have rights to visitation by family members, other relatives, and friends. There does not appear to be deliberate, willful, or systematic mistreatment of prisoners.

d. Arbitrary Arrest, Detention, or Exile

Citizens seem generally free from arbitrary arrest. Upon arrest, a detainee must be informed in writing of what offense he or she is suspected of having committed and may be held at a police station for a maximum of 72 hours before charges must be filed. There is no right of bail or provisional pretrial liberty. In cases of suspicion for major crimes, a person can be held in jail 30 days before trial, renewable twice for a maximum of 3 months.

The penal code contains an article on incitement which permits officials to prosecute for a wide range of utterances or statements. Some individuals have reportedly been sentenced for denouncing the Communist Party or the Soviet occupation of Hungary. It is not clear how many cases of incitement involve political matters. According to the office of the Chief Public Prosecutor, in 1984 crimes against the state decreased by 50 percent.

A penal code provision concerning "espionage" provides for punishing "a person who obtains, collects, or gives out data which can be used against the Hungarian People's Republic with the purpose of forwarding them to a foreign government or organization...." Neither the nature of the data transmitted nor the nature of the recipient organization is clearly defined, thus allowing a broad interpretation by the authorities of the kind of "data" considered to be proscribed.

Under an amendment to the criminal code which went into effect in 1985, a person "who is capable of working but follows a way of life of vagrancy" may be punished by loss of liberty for up to 2 years or by reformatory and educative labor or by a fine. During the first half of 1985, Hungarian courts sentenced 80 persons to corrective training work. Many Gypsies have been sentenced under this law. There is no evidence that the law has been used against political dissidents.

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The police surveillance law was strengthened in 1985 to permit the police to place under surveillance or in internal exile any citizen or resident of Hungary above the age of 16 (rather than 18) for a period of 2 years (rather than 1 year), renewable for an additional year, if that person's attitude represents a permanent danger to the internal order or public security of the country.

e. Denial of Fair Public Trial

The Constitution stipulates that all court proceedings are open, except for cases specifically exempted by law (those involving morals or state secrets). There are few closed trials in Hungary. Those which are closed usually involve "national security," not otherwise defined. In general, judicial procedures are investigatory rather than adversarial in nature. There is no trial by jury. Defendants have the right to choose their own counsel. Courts normally seek to apply the law in a methodical fashion. Nonpolitical trials are more likely to be handled in an impartial manner than are trials involving offenses considered to be political. Some 10-15 young men are serving jail sentences of up to 3 years for having refused conscription on the grounds of conscientious objection to military service.

An undetermined number of citizens, including some who opt to flee instead of serving in the military, may be incarcerated for attempting to leave Hungary without government permission.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution guarantees citizens' personal freedom and inviolability, as well as the secrecy of correspondence and privacy of the home, but these are violated when the authorities determine such violation to be in the State's interest. However, search warrants are generally obtained. House searches are conducted by a court order and must be carried out in the presence of two witnesses. A written inventory of items removed from the premises must be prepared. These procedures are generally adhered to.

Since the 1960's, Hungarian practice has become more tolerant than previously with respect to a person's private activities. Formal systems for gathering information on people, such as the widespread use of informers and block wardens and overt intrusions of the police into the daily life of persons, have been substantially curtailed. It is widely assumed, however, that private telephone lines are tapped and correspondence opened when the authorities have an interest in doing so.

Though it is expensive by Hungarian standards to do so, Hungarians may subscribe to nonpolitical Western publications. Subscribers to National Geographic magazine did not receive the June 1985 edition, however, which was made unavailable in Hungary because of a cover story on Afghanistan.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Constitution guarantees free speech and free press, but these rights are qualified by the need to conform to the "interests of socialism and the people."

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According to Hungarian press law, a Hungarian citizen may not speak publicly against the Communist form of government or Hungary's alliance with the Soviet Union. A citizen who opposes basic tenets publicly may be subjected to varying measures of admonition, harassment, and punishment.

Pervasive self-censorship in cultural and media circles determines the boundaries of free expression. The authorities have banned the circulation of certain books, magazines, and articles considered not to conform with accepted positions. The right to publish is restricted for political reasons. In 1985, poet Gaspar Nagy was forced to resign from the official Writers Association under government pressure due to a poem he had published in a regional literary journal addressing the fate of former Premier Imre Nagy, who was executed following the 1956 Hungarian Revolution. In November Sandor Lezsak, the director of a provincial cultural center, was dismissed after organizing an exhibition illustrating the works of poets, including dissidents and emigres.

Party and government authorities closely supervise the press, radio, and television, which are government-owned and must adhere to the party's ideological guidelines. Although some carefully nuanced differing views occasionally appear in the press, they are usually well within the general constraints imposed by the party. The public medium which enjoys the greatest degree of freedom of political expression is film, although the more politically controversial examples are typically withheld from public distribution until the authorities deem fit.

Infrequently, Western viewpoints can be heard on Hungarian radio and television. These may be the views of a Western spokesman, broadcast together with those of other participants in a panel discussion, or straight reporting of a Western official's comments on a topical international issue, such as U.S.-Soviet relations. Hungary does not normally jam Western radio broadcasts. However, some broadcasts carrying interviews with former Hungarian Prime Minister Andras Hegedus may have been jammed. Austrian and Yugoslav radio and television broadcasts reach much of the country.

Hungary permits some access to Western literature, films, television programs, and nonpolitical publications. In October 1985 Western periodicals including the International Herald Tribune, Le Monde, The Sunday Times of London, and Die Presse were made available for local currency at centrally located kiosks and transportation centers.

Dissident activity in Hungary remains largely confined to several hundred intellectuals who live primarily in Budapest, although numbers of working-class youths have also been arrested for expressing dissatisfaction with the system. Hungarian dissidents meet irregularly for private discussion of political and other topics. Hungary's economic progress during the last decade, its emphasis on consumerism, and its willingness to permit more frequent travel to the West than do other Warsaw Pact nations, have served to undercut the appeal of dissidents to a broader public. However, the governmental decision to go ahead with a highly controversial dam on the Hungarian-Czechoslovakian border has increased the public appeal of those dissidents most concerned with the environment.

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The Government has shown a general willingness to tolerate some expressions of dissent without explicit reply or rejoinder. It is prepared, however, to harass political dissidents to keep them in check and has occasionally expelled them or encouraged their emigration to the West.

One group of dissidents is active in the preparation and distribution of prohibited articles and books in "samizdat" (self-published) form. Since 1982 the authorities have engaged in a campaign of harassment against these activists. Occasional press articles have attacked the dissidents and their alleged Western supporters. A high level of activity, however, continues.

No arrests for dissident activity are known to have occurred in 1985. The police in Budapest have the power to impose fines on persons involved in unauthorized publishing by administrative means without the need to resort to court trial. They exercise this power regularly. The authorities also seek to discourage, or at least moderate, dissident activities by influencing job possibilities, both positively and negatively, and by treating travel requests by dissidents arbitrarily.

b. Freedom of Peaceful Assembly and Association

Although the Constitution guarantees freedom of assembly and the right to form associations, government approval or tacit acceptance is required for the exercise of these rights. At the outset of the 1985 Budapest Cultural Forum of the Conference on Security and Cooperation in Europe, the authorities refused to allow the International Helsinki Federation to meet with local and foreign writers in a Budapest hotel. The symposium was transferred to private apartments and was not disrupted by the police. Some dissidents meet frequently at an informal "free university" in Budapest, where academicians and dissidents lecture on topics which are not discussed in formal university institutions.

The Hungarian National Trade Union Council, one of the party's mass organizations, is controlled and directed by the party. It serves the purpose of indoctrinating workers in party policy as well as representing worker interests within certain bounds. The Chairman of the council is a member of the party Politburo. He represents the council in meetings with the party leadership and with the Government over labor policy, economic planning, prices, wages, and other economic issues. On the local and enterprise level, the council has a veto right over state nominations of managers and administers a system of shop distribution of bonus money, profit sharing, enterprise-controlled housing, health care, union vacation plans, and other benefits. Stewards can veto management decisions on personnel actions, plant safety, and other work-related issues which do not comply with collective agreements and labor regulations. Disputed questions are referred to higher authorities for arbitration. The National Trade Union Council is currently holding elections for the majority of union offices and has incorporated some of the electoral reforms employed in the 1985 parliamentary and local council elections.

The Constitution does not provide for the right to strike. Although work stoppages have taken place in local industries

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in recent years, there has not been a major strike affecting an entire industrial sector in almost a quarter of a century.

c. Freedom of Religion

Although freedom of conscience and freedom of religious practice are guaranteed in the Constitution, they are subject to restrictions. Steadfastly committed to atheism, the authorities for tactical reasons profess the acceptability of believers and nonbelievers working together in the interest of "socialist society." The Government has generally maintained good relations with the hierarchies of the major religious denominations, many of which have representatives in the National Assembly. Professed religious beliefs, however, may limit the citizen's advancement in government, industry, and the professions.

There are some 19 significant religious denominations in Hungary which are recognized by law, plus several small sects, such as Jehovah's Witnesses which are not. Sizable religious groups in Hungary include Roman Catholics (5.25 million), Reformed Calvinists (2 million), Evangelical Lutherans (0.5 million), and Jews (100,000). The total number of persons manifesting some religious belief is estimated at 8.5 million out of a population of 10.7 million.

In church-state relations, progress toward the establishment of a new religious order of nuns dedicated to the care of elderly and infirm citizens was halted by government officials in 1985, who backed away from an earlier understanding authorizing the order. The successful visit of American evangelist Billy Graham generated positive publicity for church-state relations and demonstrated the continuing close connections Hungarians maintain with their religious counterparts in other countries.

Religious denominations in Hungary have generally good access to religious materials, including Bibles and prayer books. In many cases, they print their own. They also publish periodicals and newspapers which, however, are subject to the same state control as all other publications.

During 1985, party and state officials expressed continued interest in cooperating with religious denominations on social matters of mutual concern, such as the provision of adequate health care, the high divorce and alcohol rates, and juvenile delinquency.

The churches do not act as organizing centers for dissent. Specialized dissension has grown up within the Catholic Church centering around the "basic community" movement, which has accused the hierarchy of being dogmatic and "collaborationist." The Hungarian authorities have not detained or arrested any clergy, but approximately 10-15 young men have been sentenced to prison terms ranging up to 3 years for refusing military service. The right of conscientious objection is recognized for only two small denominations, the Nazarenes and the Jehovah's Witnesses.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

All adult citizens are issued an identity booklet and must carry it with them at all times. They must register with

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local police when moving from one locality to another. Although it is possible to transfer permanently from rural areas to Budapest, this is not encouraged because of overcrowding and a scarcity of housing in the capital. The gainfully employed also carry a "work book" which is their lifetime record of employment locations and positions.

Since 1982, Hungary has followed a cautiously liberal practice in permitting visits to the West. More than 500,000 Hungarians currently visit the West annually, while more than 5 million visits are made annually to Warsaw Pact countries. Hungarian citizens now legally have the opportunity to visit the West at least once a year--instead of every third year as before--if relatives or friends abroad pay the costs. The modest hard currency allotment private travelers can receive once every 3 years to defray hard currency expenses was increased, and a new supplemental amount is now available to travelers to the West using their own private cars.

Exit permission for both Hungarian tourists and emigrants can be and occasionally is denied for vague "reasons of state." There are indications that such permission in certain instances has been denied to dissidents in order to influence their activities. Although the pertinent law states that all Hungarians have the right to travel, it is also so qualified as clearly to leave the decision to the State.

Hungarian emigration law is restrictive. A person can normally apply to emigrate only if joining a parent, spouse, or child abroad. However, the law provides for exceptions in individual cases, and approximately 90 percent of Hungarians who are eligible to apply to emigrate for purposes of family reunification receive permission. Persons who are refused permission to emigrate may appeal and reapply. Reapplications are sometimes successful, particularly if there are special humanitarian considerations. There are no systematic official sanctions, such as loss of employment or housing, imposed on persons who seek to emigrate, and emigrants may take a modest amount of personal property with them.

Persons who have emigrated legally from Hungary have a legal right to return upon application. They must establish that there is housing and employment or an income available to them. Persons who leave Hungary as visitors with permission to stay abroad only temporarily and who then fail to return are subject to prosecution and sentencing under the civil code. Hungary appears to follow, however, a discretionary practice of treating such persons leniently, if they return. Prosecution may not occur or, when it does, may lead to a suspended sentence. Assiduous prosecution and other sanctions, such as deprivation of former employment, are possible.

Regulations introduced in recent years liberalized and simplified procedures for Hungarians to obtain permission to work abroad for up to 5 years. Permission is not always granted. The regulations envisage that a person may take his or her family. The worker must agree to remit 20 percent of hard currency earnings to the Hungarian national bank, which will convert them into a Hungarian currency account that may be utilized by the worker within Hungary. The worker will be able to retain the remainder of the salary in hard currency.

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

Hungary is ruled by the leadership of the Hungarian Socialist Workers Party. Political participation is not possible outside the party or party-sanctioned organizations. The Constitution states that the Hungarian Socialist Workers Party represents the "working class" and the "interests of the whole of the society." The party uses mass organizations such as the Patriotic People's Front, trade unions, and the Communist Youth League to elicit public support. To a growing extent, the party invites the opinions and recommendations of nonparty organizations (for example, cooperatives' associations) on policy proposals in which they have an interest, but implementation is at the discretion of the party.

In the 1985 elections, 90 percent of the seats in the National Assembly and all seats in local councils were contested by at least two candidates. Although candidates did not necessarily have to be members of the Communist Party, all had to announce that they accepted the platform of the party-controlled Patriotic People's Front and had been deemed acceptable by that body. No other political parties were allowed. Several members of the democratic opposition who attempted to establish candidacies were barred from participation in the nominating process.

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

The Government refuses to accept outside charges or investigations of alleged human rights violations on the grounds that this is "interference in internal affairs." Hungary has shown, however, a willingness to engage in discussions with other countries on all aspects of the Helsinki Final Act, including its human rights provisions. This tolerance did not extend to allowing the privately-organized International Helsinki Federation to hold a cultural symposium in a hotel during the opening of the 1985 Cultural Forum. The symposium was, however, held in private apartments.

In its 1985 Report (covering the year 1984), Amnesty International was concerned about the imprisonment of conscientious objectors to military service. It was also concerned about short-term arrests and administrative measures, such as fines and curfews, imposed on people for the nonviolent exercise of their right to freedom of expression. Freedom House rated Hungary "partly free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Hungary's population of 10.7 million is slowly declining. The annual rate of growth is minus 0.2 percent. Per capita gross national product in 1983 was \$2,150.

Industrialized and increasingly decentralized, Hungary's economy has many features which are unique in Eastern Europe. Most state-owned enterprises enjoy a high degree of autonomy. Workers in much of industry were allowed or required in 1985 to vote on new managers rather than having them appointed from above. Government economic authorities do not impose specific production quotas on enterprises. Most consumer prices, especially for food items, are set largely by free market

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forces. There are no food shortages. Private farming activities have long been encouraged on both state and cooperative farms. Moreover, the Government has recently begun to encourage private enterprise-type activities in the consumer services sector and in small units within industrial enterprises. In short, through a combination of flexible prices and enterprise autonomy, as well as through government encouragement of private enterprise-type activities, Hungary has produced an economic system that is more sensitive to consumer needs than those of other Eastern European countries.

Hungary's standard of living, relatively high for Eastern Europe, is reflected in such measurements drawn from World Bank data as a life expectancy at birth of 72 years, an infant mortality rate per 1,000 live births of 20.2 (though this is a deterioration from previous years), and a ratio of caloric supply available for consumption relative to nutritional requirements of 131.8 percent. Emphasis on education has yielded an adult literacy rate of 98.9 percent. In 1980, the primary school enrollment ratio was 130.7 overall, with no significant difference between male and female children.

The minimum age for the employment of children is 15 with restrictions pertaining to shifts and night work. There are no restrictions on minors older than 16 years of age. Although there is no national minimum wage in Hungary, wage charts are set for each profession according to the qualifications of the jobholder. The average workweek is approximately 45 hours. All Hungarians have a right to a minimum of 15 days of paid vacation per year; they are entitled to one additional day for each 3 years of service.

Women account for one-eighth of the management positions in Hungarian industry and agriculture. Approximately half of these individuals attained their positions within the past 5 years. Women's share of the more senior jobs, such as general director at state industrial complexes, is considerably lower. Women's share of professional positions has been increasing. At present, 7.6 percent of Hungarian women are professionals, compared to 8.6 percent of men.

More than one-fifth of the members of the National Assembly are women. There are very few women at top levels in the government or party. Only one Deputy Premier of the 23 members of the Council of Ministers and 4 of the 21 members of the Presidential Council are female.

A large number of Gypsies (estimates range up to 5 percent of the population) live in Hungary. They are not recognized as an official minority. The Government engages in many programs specifically designed to raise the standard of living of Gypsies and help them to adjust to the mainstream of Hungarian life. Gypsies are on average, however, considerably less well educated and poorer than the majority Magyar population or the recognized ethnic minorities. Candid discussion continues to appear in the press and specialized literature about the social and economic difficulties experienced by Gypsies, including the fact that considerable popular prejudice exists.

ICELAND

Iceland is a modern democratic social welfare state with a parliamentary institution--the Althing--which is the oldest elected parliament in the world. Iceland's highly literate and educated people take an active interest in politics and participate in high percentages in the country's regular multiparty elections. Iceland has no military forces or political security apparatus. There is a small, professional police force. Icelanders enjoy a fair and efficient civil and criminal justice system and are strong defenders of individual human rights.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

Politically motivated killings have not occurred in Iceland.

b. Disappearance

There have been no known cases of abductions or hostage-taking in Iceland in 1985.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and cruel, inhuman, or degrading treatment or punishment are prohibited by law and do not occur in practice. Prison conditions are excellent by international standards. The number of prisoners confined in Iceland is numbered in the tens, most of whom are held under light security conditions.

d. Arbitrary Arrest, Detention, or Exile

Due process of law is guaranteed in Icelandic legal codes and observed in practice. The Constitution guarantees that any person detained by the authorities must be brought before a judge within 24 hours and charged, bound over, or released. There is no preventive detention or forced labor. There have been no allegations of arbitrary arrest.

e. Denial of Fair Public Trial

A fair and public trial is standard practice. Icelandic courts are free of political control, though the lower court system is administered by the Ministry of Justice. The Supreme Court carefully guards its complete independence. There are no special or military courts. Right to counsel is guaranteed, and the state pays attorneys' fees when defendants cannot. Juries are not normally used, but multiple-judge courts are common, particularly on appeal. The small population allows a relatively informal administration of justice, but due process is rigorously observed. There are no political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Icelandic law and practice are based on longstanding regard for the autonomy of the individual and the impropriety of

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government interference with the personal rights of citizens. Judicial warrants are required for entry into homes, except in cases of hot pursuit. Arbitrary intrusions by official entities, political organizations, or any other organized group into the personal liberties of Icelanders have not occurred.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

In Iceland, a vigorous and independent press, a legal system which includes safeguards for individual rights, and a functioning democratic political system combine to ensure freedom of speech and press. Censorship is applied to print and film materials to control public display of pornography and violence, but there is no government censorship of any news media.

b. Freedom of Peaceful Assembly and Association

Individuals in Iceland are free to join together formally or informally to promote nonviolent causes or to protest government policies or actions. An active web of voluntary organizations plays a large part in the social and political life of the country. All such organizations are free to maintain international contacts.

Workers and employers in Iceland have and make extensive use of the right to establish organizations, to draw up their own constitutions and rules, to choose their own policies and representatives, and to be represented in negotiations on wages, working conditions, and the settlement of labor disputes. The labor movement is highly organized and democratic. It permeates the entire work force and spans the political spectrum. Labor unions are active and influential in national economic and political life and in the development and administration of a comprehensive social welfare system.

c. Freedom of Religion

The Lutheran Church is the established church of Iceland, and the vast majority of Icelanders are nominally Lutheran. There is complete freedom for other faiths. Religious affiliation is not a factor in political or social life.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Icelanders have complete freedom to travel at home and abroad, emigrate, and return to Iceland at will.

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

The political system is a fully functioning parliamentary democracy with a high level of individual participation in politics. A wide range of voluntary organizations and interest groups represent diverse political interests and interact with the formal parliamentary structure. The last national election, in April 1983, resulted in the orderly transfer of power to a new coalition government composed of two political parties in May 1983. There are four political parties in the parliamentary opposition. Voter turnout is

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high for all elections. The use of party primaries, proportional representation in multimember districts, and a cultural insistence on representation of the views of all parties in public affairs contribute to an active formal and informal political life.

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

There are no known allegations of human rights violations in Iceland. Iceland, which has an active interest in human rights matters, is represented on the European Human Rights Commission of the Council of Europe and has provided a judge to the European Human Rights Court. Several human rights organizations in Iceland, including Amnesty International, take an active interest in international human rights questions. Amnesty International did not comment on Iceland in its 1985 Report, and Freedom House rated Iceland "free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Iceland has an ethnically homogeneous population of 241,000 which enjoys a high standard of living and the benefits of a social welfare state on the Scandinavian model. The World Bank estimates that in 1985 Iceland's population growth was 1 percent and its gross national product per capita in 1983 was \$10,260.

Food, shelter, health care, and education are available to all Icelanders without discrimination. Medical care and education through the university level are free or available at a very nominal cost. Consequently, the Icelandic people have a high rate of school enrollment (99.7 percent of children of school age in 1982), a low infant mortality rate (5.8 per 1,000 live births in 1985), and a long life expectancy (77 years at birth in 1985).

In addition to the right to organize unions, Icelandic workers benefit from numerous laws protecting their health and safety and guaranteeing health and unemployment insurance, paid vacations, and minimum wages (currently \$2.31 per hour). The employment of children below the age of 16 in factories, on ships, and in other places where hazardous conditions prevail or hard labor is required, is prohibited by law.

Icelanders are fiercely egalitarian. Women participate freely in social and political life. Nevertheless, women are underrepresented in the professions, management, and politics and are continuing efforts to expand their roles and rights. In the 1983 parliamentary election, a national women's list slate resulted in the election of 3 more women to the Althing, which now has 9 women out of a total membership of 60. Iceland's Chief of State is a woman.

IRELAND

The Republic of Ireland is a parliamentary democracy with a long tradition of orderly transfer of power. Individual liberties and civil rights are guaranteed by the 1937 Irish Constitution.

Successive Irish Governments have had to deal with the spillover into the Republic of recurring outbreaks of violence in Northern Ireland. In recent years, the spillover of violence has included the assassinations of the British Ambassador (1976) and Lord Mountbatten (1979), as well as the deaths of individual police officers, soldiers, and others due to the actions of the Provisional Irish Republican Army (PIRA) and Irish National Liberation Army (INLA) elements. This violence has led successive Irish Governments to adopt special legislation to deal with acts of terrorism. During 1985 the Government has sought to apply such special legislation with fairness and balance.

Ireland attaches great importance to the observance and maintenance of human rights both in theory and practice. It places strong emphasis on human rights in formulating foreign policy and plays an active role in human rights questions in the United Nations.

On November 15, 1985, the Irish and British Governments concluded an agreement which gives the Irish Government a consultative role in certain Northern Ireland affairs. Both the Irish and British Parliaments subsequently approved the agreement.

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

a. Political Killing

Politically motivated killings occasionally occur in Ireland as a spillover from the violence in Northern Ireland. In these cases, such groups as PIRA or INLA usually claim responsibility. There were at least three slayings generally attributed to these two groups in the Republic in 1985; in one of these PIRA claimed responsibility. Both the Government and the population as a whole strongly deplore these actions. The Government uses the full force of the law to pursue and prosecute such cases.

b. Disappearance

People are not abducted, secretly arrested, or held in clandestine detention by the Irish authorities, nor does the Irish Government condone such practices by any element of society. Various terrorist groups have sometimes resorted to kidnapping for political purposes, most recently in 1983. In all such cases of political kidnapping, the Irish Government uses full police power either to prevent or solve the crime.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Freedom from torture and cruel, inhuman, or degrading punishment is respected in practice by the Government. From

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time to time, including in Amnesty International's 1985 Report, allegations are made that individual officers have used physical abuse during interrogations or have mistreated prisoners. Such allegations are investigated by the Government, and, where warranted, charges have been brought or convictions overturned. Some civil rights groups, however, are not fully satisfied with existing investigative procedures, and the Government plans to introduce legislation establishing an independent Police Complaint Review Board.

d. Arbitrary Arrest, Detention, or Exile

The Constitution contains provisions implementing its guarantee that "no citizen shall be deprived of his personal liberty save in accordance with law." For example, it requires that full charges, in writing, be made available to any individual placed under arrest. Neither in law nor in practice is anyone subject to arrest for the expression of political or religious views. Arrest is carried out openly by warrant, and the right to a fair and speedy trial with full right of legal counsel exists in law and practice. Detention without charge is restricted. It is, however, permitted for a maximum of 48 hours in cases tried in "special courts" for offenses against national security. After this period the individual must be brought before a magistrate, presented with written charges, and given legal representation.

An omnibus Criminal Justice Act, passed by Parliament in November 1984 in response to growing urban crime and drug problems, gives some increased powers to the police in the area of detention for interrogation. Critics have argued that these provisions could diminish human rights. However, key provisions of the Act dealing with detention, among other things, cannot be put into effect under the terms of the Act itself until the Police Complaint Review Board has been established. Moreover, supporters of the bill point out that under the proposed law, the Irish police would have less power to detain and interrogate suspects than the police forces of other European Community states. There is no forced labor in Ireland.

e. Denial of Fair Public Trial

Fair public trial is guaranteed by the Constitution and respected in practice. The courts are independent, and jury trial is the norm. The Constitution provides for the creation of "special courts" to deal with cases where the "ordinary courts are inadequate to secure the effective administration of justice, and the preservation of public peace and order." The "Offenses Against the State Act" of 1939 formally established such courts and provided that they may try persons for offenses against national security. These courts are used in response to the spillover of violence from Northern Ireland. Rather than having juries, these courts have panels of judges, each consisting of an uneven number of judges but never less than three. Their verdicts are by majority vote. Rules of evidence are similar to those of regular courts, except that the statement of a police chief superintendent that the accused is a member of an illegal organization is considered evidence of such membership. Court sessions are usually public but may exclude certain persons, other than genuine press representatives. There is provision for free legal aid and appeal against conviction or sentence.

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There is no provision under Irish law for use of political offense arguments to evade prosecution or otherwise receive special consideration in law enforcement and judicial processes. Such arguments are often made by members of PIRA and other illegal organizations convicted of terrorist offenses.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution protects the basic human right of noninterference with personal privacy, family, home, or correspondence which is generally observed. The Constitution, also provides that the State shall enact no law "providing for the grant of the dissolution of marriage." Arguing that divorce is a basic human and family right, an Irish couple, in late 1983, persuaded the European Court of Human Rights to review denial of their right to a divorce as a case of denial of human rights. The case is pending. In addition, the question is under active review in the Irish Parliament.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

These freedoms are guaranteed by the Constitution and generally respected in practice. The State endeavors to insure that organs of public opinion, while preserving liberty of expression (including criticism of government policy) shall not be used to undermine public order, morality, or the authority of the State. Furthermore, "publication or utterance of blasphemous, seditious or indecent matter" is an offense punishable by law.

Ordinarily, such censorship as exists in Ireland is directed largely toward materials considered pornographic in nature. However, the state-owned radio and television networks, on the basis of the constitutional provisions dealing with public order and the authority of the State, have a longstanding practice of denying air time to representatives of Provisional Sinn Fein, the political wing of the illegal PIRA. In late 1982, this prohibition was challenged before the Irish Supreme Court and upheld on constitutional grounds. All other legal political parties are given full and regular access to both public-owned radio and television facilities and major independent daily newspapers. Criticism of the Government in such media is not only allowed but flourishes.

b. Freedom of Peaceful Assembly and Association

These freedoms are guaranteed by the Constitution and respected in practice. Terrorist organizations such as PIRA are illegal, and membership in them is an offense against national security. The INLA was added to the list of banned organizations in early 1983. Political parties or groups associated with such organizations, such as Provisional Sinn Fein, are not proscribed.

Labor unions have full freedom to organize independently from the Government and engage in free collective bargaining. The Irish Congress of Trade Unions, which represents unions in both the Republic and Northern Ireland, has 89 member unions with over 650,000 members. The Irish Labor Party has not had formal links to the trade union movement since the 1930's, but

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many union officials and members play an active role in politics through the parties of their choice. Labor unions are permitted to conduct protests, including secondary and wildcat strikes. There are no compulsory settlement procedures.

c. Freedom of Religion

Ireland is 94 percent Roman Catholic. The Constitution guarantees freedom to all religious groups. There are no restrictions on freedom of worship or association.

Discrimination in employment, education, and other fields based on religious grounds has not been alleged. Some Irish laws, such as the prohibition against divorce, reflect the point of view of the majority community. The area of family law is the subject of much current debate in which minority religious communities have felt fully at liberty to take a vocal and active role.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There is complete freedom of movement within the country as well as freedom to engage in foreign travel, emigration, and voluntary repatriation. Ireland has accepted displaced persons on a limited basis.

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

Ireland has had a consistent history of orderly transfer of power by elections since the end of the Irish Civil War in 1923. Ireland has two major parties, three smaller parties, and provision for independents to stand for election to either house of the Irish Parliament. The constitutional requirement that elections be held at least every 5 years has always been met. Ireland uses a proportional voting system, and the secrecy of the ballot is fully safeguarded. The Government elected in November 1982 is a two-party coalition in which the party leader of the larger party serves as Prime Minister.

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

The Irish Government generally cooperates with independent outside investigations of alleged human rights abuses. Amnesty International is active, as is the Irish Council for Civil Liberties. Both operate freely and without hindrance in Ireland as the principal independent organizations interested in domestic human rights issues. Amnesty International's 1985 Report noted the release of Eamonn (Nicky) Kelly in 1984 (see last year's report) and was concerned about allegations of physical ill-treatment of prisoners. Freedom House rated Ireland "free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The population of the Irish Republic in 1985 totaled about 3,588,000 and is growing at 1 percent a year. Estimated per capita gross national product in 1983 was \$5,000. Successive Irish governments have successfully promoted industrialization and diversification, raising living standards considerably.

IRELAND

During the last 3 years Ireland has been hurt by rising unemployment (17 percent in July 1985). Nonetheless, the people enjoy adequate shelter, nutrition, health care, and education. These services are available without regard to race, religion, sex, ethnic background, or political opinion. Life expectancy at birth is 73.49 years, and the infant mortality rate is 9.5 per 1,000 live births. People whose means are inadequate and who are not entitled to other benefits may receive pensions or other payments from public funds.

The minimum legal age for employment in Ireland is 15 years, and hours of employment for 15-year-olds are limited to 8 hours per day and 40 hours per week. Persons 16 and 17 years of age may work up to 9 hours per day and 40 hours per week. No maximum number of hours per day or week applies to those over 18 years of age. Although there is no comprehensive law governing trade union activities, most terms and conditions of employment are determined through collective bargaining. Despite right-to-work laws, most businesses (covering over 56 percent of the labor force) are unionized.

There is no general minimum wage legislation in Ireland. However, some 50,000 workers are covered by minimum wage laws applicable to specific industrial sectors, mainly those which tend to pay lower than average wages. Four basic laws dealing with occupational safety provide adequate coverage. An extensive system of public health insurance offers health protection.

In recent years women have been playing a more significant role in the Irish work force. Although the Constitution recognizes the woman's role in terms of "her life within the home," women have been entering the office and marketplace relatively smoothly but slowly. Several studies have highlighted the difference in pay scales between men and women and have drawn particular attention to the fact that in recent pay increases female workers have lagged considerably behind males, thus further widening the gap. Equal pay for equal work is now very much on the agenda of Ireland's small but growing women's movement.

ITALY

Italy is a democratic, multiparty republic with a parliamentary system of government. Legislative power is vested in the Parliament, which is directly and freely elected on the basis of universal adult suffrage. Executive authority is concentrated in the Council of Ministers. Italy has an independent judiciary. The Chief of State, the President, is elected by Parliament and representatives of the regions.

Terrorist violence of both the left and right has declined in recent years due to the effective work of police and magistrates and, in essence, the people's rejection. Although terrorism has yet to be completely overcome, its considerable reduction has freed law enforcement resources for the struggle against organized crime, which continues to be a serious problem.

Italy has an industrialized market economy ranking among the top 10 in the world in gross national product. It is characterized by sizable government ownership in the primary industrial sectors and by a dynamic private sector, especially at the level of small and medium-sized companies.

The drafters of Italy's post-World War II Constitution were strongly influenced by Roman Catholic and social democratic traditions. The Constitution contains guarantees of political and civil rights that are rigorously observed in practice.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

In 1985, there was one confirmed killing by an Italian terrorist organization, the Red Brigades. The victim was Ezio Tarantelli, a prominent labor economist. Efforts over past years by terrorists of the far left and far right to provoke the forces of order into taking extreme security measures have failed. Government and law enforcement agencies have used the emergency powers granted them to fight the terrorist threat with care and moderation.

There are indications that Italian terrorists have received some support from outside the country, particularly from extremist Middle Eastern groups, and there are continuing allegations of direct or indirect East European support. Terrorist actions claimed by Middle Eastern groups, including bombings and attacks on individuals, increased in 1985 and resulted in 3 deaths and more than 60 wounded. A Middle Eastern connection is suspected in a number of incidents for which no group claimed responsibility. In addition, an Arab terrorist group killed 12 persons and injured many more in an attack on the Israeli airline passenger ticket counter at Rome airport in December.

b. Disappearance

There have been no cases of disappearance linked to or condoned by the State or its agents. There were no kidnappings by political terrorist groups in Italy in 1985. However, an apparently foreign group continues to claim responsibility for the 1983 disappearance of a teenage Italian

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girl, Emanuela Orlandi. The group has called for the release from prison of Mehmet Ali Agca, who is serving a life sentence for the attempted assassination of Pope John Paul II in 1981. Ms. Orlandi is still missing.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Freedom from torture is guaranteed by law and respected in practice. Cruel and degrading punishment is forbidden by law and not employed by officials. Law enforcement officers accused of breaking these rules have faced criminal charges. When a Mafia suspect died in police custody in August 1985, several officers were immediately suspended, and an investigation was begun. Conditions of confinement vary, and some places of detention are outdated and crowded but not inhumane or degrading. Prisoners charged or convicted of terrorist acts are generally separated from other prisoners.

d. Arbitrary Arrest, Detention, or Exile

Police procedures in Italy are carefully circumscribed by law and judicial oversight. Arbitrary arrest is not practiced. Anyone detained by the authorities must be charged within 48 hours. In normal criminal cases, the duration of pretrial detention permitted varies according to the gravity of the crime. Under reforms passed in 1984, the maximum that any person may be held in preventive detention, even for the most serious crimes, is 6 years and no more than 2 years at each step of the trial and the long appeals process. Maximum periods of preventive detention are substantially less for lesser crimes. As a safeguard against abuse, "Liberty Tribunals" are empowered to review evidence in cases of persons awaiting trial and to decide whether continued detention is warranted. Authorities hope that streamlined judicial procedures will help reduce the number of prisoners, currently about 20,000, awaiting trial or appeals in Italian jails. There is no forced or compulsory labor.

e. Denial of Fair Public Trial

A fair public trial is assured by law and observed in practice. Counsel is provided for the accused, free if necessary. The judiciary is independent of the executive, and there are no political or security courts. All cases may be appealed to the highest appellate court, the Court of Cassation. There are no political prisoners.

There was considerable debate in 1985 over procedures which, in certain types of cases, provide for reduced sentences for confessed offenders in return for testimony against associates and accomplices. This system proved very effective in the Government's effort to combat terrorism and is now in part being employed against organized crime. There is no evidence of any systematic abuse of the procedure by the authorities. However, critics maintain that the procedure allows too much latitude to individual magistrates, that it violates the principle of equal penalties for equivalent crimes, and that the testimony thus obtained, particularly in organized crime investigations, may not always be reliable. The issue has sparked a wide-ranging and spirited debate in the press, government circles, and other forums.

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f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

In Italy, the concept of the privacy of the home is legally safeguarded and generally respected by the authorities. Searches and electronic monitoring may be carried out only under judicial warrant and in carefully defined circumstances.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Free speech and a free press are assured under Italy's democratic political system, which allows full expression of a wide spectrum of political views. Although there is no censorship, publications may be seized for violations of obscenity laws or for defamation of state institutions. These powers are seldom invoked. Government-run radio and television are politicized at the administrative level but are open to widely differing views. A large number of private broadcasters air vigorous debate on political and social issues.

b. Freedom of Peaceful Assembly and Association

Italian citizens' right of free assembly is limited only in cases where security or public safety is endangered.

Trade unions are not government-controlled, and their right to organize, engage in collective bargaining, and strike are fully protected. They associate with international labor bodies freely and without interference. According to government figures, about 40 percent of the work force is organized. Professional and employer associations also organize and represent their constituencies freely.

c. Freedom of Religion

Italy's relations with the Roman Catholic Church are governed by an 1984 agreement (Concordat) between the Italian Government and the Holy See, ratified in 1985. The new agreement, replacing the Concordat of 1929, recognizes the rights and place of the Church but no longer accords it the position of Italy's state religion. The Roman Catholic Church continues informally to enjoy special standing in Italy because of the presence of the Vatican and because the overwhelming majority of Italians are at least nominally Roman Catholic. Nevertheless, all religions are free to organize and proselytize within the limits imposed by the laws governing public order. The Government is in the process of reaching agreements with other religious groups to define their rights and standing. Individuals are free to profess and practice any religious faith.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Italian citizens may travel freely both within the country and abroad. Emigration is unrestricted. Citizens who leave are guaranteed their right to return, and the Constitution forbids deprivation of citizenship for political reasons. Italy has been a haven for many persons fleeing persecution in other countries. There were no cases of forced repatriation of political refugees in 1985.

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

Italy is ruled democratically under its free parliamentary system. Although the Constitution outlaws the Fascist Party, a wide range of organized and active political parties exists from the far left of the political spectrum to the far right. Election campaigns are free and open, and voting is by secret ballot. The two chambers of Parliament and regional, provincial, and municipal councils are elected periodically. Opposition groups are active and are frequently able to alter or reject government policies. The regions of Trentino Alto-Adige and Val d'Aosta are organized under special status aimed at safeguarding the rights of their respective German- and French-speaking minorities.

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

The Italian Government and nongovernmental human rights organizations support human rights around the world. Italy participates fully in various international human rights organizations. Nongovernmental organizations are free to investigate conditions in Italy, to attend trials, and to publish their findings. Political parties and religious groups participate in activities related to human rights. Organizations active in human rights affairs include Amnesty International, the Official Interministerial Committee for the Rights of Man, the Institute of Human Rights, and Caritas International.

Amnesty International's principal concern in its 1985 Report (covering the year 1984) continues to be the excessive length of judicial proceedings in what it called "political" cases. Freedom House rated Italy "free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Italy is a prosperous, developed country with a population of 57 million (1985). Per capita gross national product in 1984 was \$6,843. As a country possessing an industrial market economy, Italy encourages the ownership of property alone or in association with others. The Government provides special funds for investment in southern Italy, whose development, for historical reasons, has been slower than that of the north.

Education and economic and social services are generally available to all without discrimination of any kind. According to 1985 statistics, life expectancy at birth was 74.6 years and the infant mortality rate per 1,000 live births was 11.2.

Italy has a comprehensive body of law and regulation that outlaws child labor and ensures payment of a reasonable minimum wage and safe and healthy working conditions. Both government authorities and unions make significant efforts to ensure that these regulations are universally enforced. The proliferation of small-scale, family-run businesses and manufacturing enterprises in Italy's dynamic private sector means, however, that despite enforcement efforts, violations of these norms sometimes occur.

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Women generally have equal status under the law, but they are engaged in a continuing effort to maintain and strengthen their rights. Women participate freely in social and political life and continue to expand their economic role, although they are underrepresented in the professions and management. There are legal limitations on women's property rights within marriage which derive from traditional Italian social values. Strong private-sector demand for female labor has ensured a very low level of unemployment among women who constitute about 27 percent of the labor force.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: ITALY	1983	1984	1985
I.ECON. ASSIST.-TOTAL...	13.2	10.0	1.7
LOANS.....	0.0	0.0	0.0
GRANTS.....	13.2	10.0	1.7
A.AID.....	13.2	10.0	1.7
LOANS.....	0.0	0.0	0.0
GRANTS.....	13.2	10.0	1.7
(SEC.SUPP.ASSIST.)...	0.0	10.0	0.0
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN B-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING...	0.0	0.0	0.0
C.INTL MIL.ED.TRNG...	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	13.2	10.0	1.7
LOANS.....	0.0	0.0	0.0
GRANTS.....	13.2	10.0	1.7
OTHER US LOANS.....	75.0	145.5	0.0
EX-IM BANK LOANS.....	75.0	145.5	0.0
ALL OTHER.....	0.0	0.0	0.0
ASSISTANCE FROM INTERNATIONAL AGENCIES			
	1983	1984	1985
TOTAL.....	0.0	0.0	0.0
IBRD.....	0.0	0.0	0.0
IFC.....	0.0	0.0	0.0
IDA.....	0.0	0.0	0.0
IDB.....	0.0	0.0	0.0
AOB.....	0.0	0.0	0.0
AFDB.....	0.0	0.0	0.0
UNDP.....	0.0	0.0	0.0
OTHER-UN.....	0.0	0.0	0.0
EEC.....	0.0	0.0	0.0
			1946-85
TOTAL.....			399.6
IBRD.....			398.0
IFC.....			1.0
IDA.....			0.0
IDB.....			0.0
AOB.....			0.0
AFDB.....			0.0
UNDP.....			0.2
OTHER-UN.....			0.4
EEC.....			0.0

LATVIA*

An independent Baltic state between the two World Wars, Latvia was annexed by the Soviet Union in 1940 as a constituent republic of the U.S.S.R. The United States does not recognize the forcible incorporation of Latvia into the U.S.S.R.

Like the other Baltic states, Latvia is subjected to the same centralized rule, the same Constitution and judicial system, the same restrictions on civil and political liberties, and the same police controls as the republics in the Soviet Union. Moreover, Soviet policy toward the Latvian nation arouses grave concern because the process of Russification threatens its survival as a distinct ethnic group. The influx of Slavic settlers has reduced the proportion of Latvians in Latvia to only 53 percent of the total population.

Like the other Baltic states, Latvia is regarded as economically better off than most areas of the Soviet Union. This is beginning to change, however, as central authorities divert scarce resources to less developed areas.

Human rights violations continued in 1985. Expressions of national consciousness were harshly repressed. The state of religious liberty continued to deteriorate as the Soviet authorities harassed the clergy and lay leaders of several faiths. Latvians active in human rights issues continued to face persecution and arrest.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

Several Latvian activists have died in Soviet custody in the last several years, although no such deaths were reported in 1985. However, official responsibility for the deaths of persons involved in human rights activities is difficult to establish. Soviet persecution of Latvian activists, however, may lead to their deaths.

b. Disappearance

There are no known instances of permanent or prolonged disappearance.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Throughout the Soviet system, cruel and inhuman treatment of political prisoners occurs during both interrogation and confinement to labor camp, prison, or psychiatric hospital.

Physical and psychological abuse of prisoners is common, as is detention under extremely unhealthy or otherwise onerous conditions.

* Given Soviet control over all aspects of life in Latvia, the systemic human rights abuses described in the report on the U.S.S.R. apply also to Latvia. This report discusses only instances of repression specific to Latvia.

LATVIA

d. Arbitrary Arrest, Detention, or Exile

Soviet legal provisions are written and interpreted so broadly that Latvians may be arrested and convicted for exercising basic human rights.

e. Denial of Fair Public Trial

As in the Soviet Union, Communist Party control of society is exercised in political cases to negate constitutional guarantees of the objectivity and independence of the judicial process. The self-determined compelling needs of the State override the rights of a defendant.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Through the use of informers, mail censorship, electronic monitoring of telephones, and other devices, government authorities have the ability to interfere in every aspect of personal life. Constitutional guarantees to the contrary, Soviet investigative agencies do not abstain from forced entry and illegal searches. Contacts between Latvians and foreign visitors are strongly discouraged, and those who indulge in such contacts are subject to official harassment.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Constitution provides for most internationally accepted political liberties as long as their exercise accords with the strengthening and security of the "socialist" system. In practice, the authorities do not tolerate freedom of speech and press or any dissident behavior. Riga dissident and Russian Orthodox activist Mikhail Bombin was under investigation at year's end facing possible charges of anti-Soviet slander for his unofficial activities in support of peace and detente.

b. Freedom of Peaceful Assembly and Association

The right of association is provided for in the Constitution, but the authorities strictly control all associations and organizations. Latvians peacefully celebrating Latvian Independence Day are subject to arrest, and foreigners visiting their Latvian relatives are frequently interrogated and harassed.

Soviet labor law and practice are enforced in Latvia. Although the Constitution guarantees all Soviet citizens the right to form trade unions, any efforts by workers to exercise this right independently of state-sponsored and controlled unions have been brutally repressed. Given Soviet concern that the ideas of the Polish Solidarity trade union movement might spread, this has been especially true in the Baltic states.

c. Freedom of Religion

Despite constitutional guarantees, religious activity is the subject of systematic official harassment. Jewish cultural activist Vladimir Frenkel of Riga was sentenced to 18 months in labor camp in June 1985 for writing articles for the Jewish

LATVIA

cultural "samizdat" (self-published) journal Khaim, as well as for publishing a number of articles on Russian Orthodoxy in the West.

Members of the Roman Catholic, Baptist, and Adventist churches also appear to have encountered more difficulties with the authorities than the larger Lutheran Church, perhaps because of their outspokenness.

In September 1984, Zofiya Belyarchuk and a colleague named Sanderos were arrested for attempting to form a Franciscan church group.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Soviet authorities do not respect the right of emigration. The granting of permission to emigrate from Latvia is arbitrary and subject to increasing restrictions. The authorities harass Latvians whose desire to emigrate is known and cause their living conditions to deteriorate in order to discourage emigration applications. Two Latvian families are currently on the U.S. Government Representation List of Divided Families who have been refused Soviet permission to join their relatives in the United States. Ninety more families are on the U.S. Representation List of Soviet Jews denied permission to emigrate to Israel. A number have been trying to obtain permission for more than 10 years.

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

Non-Communist Latvians have almost no opportunity to participate meaningfully in the political process. Communist Party and governmental authorities in Latvia are severely limited in their ability to advance national interests, if they should choose to do so. Latvians have the lowest proportion of Communist Party membership of the three Baltic states and are outnumbered in the local party hierarchy. As in other areas under Soviet control, political activity outside the Communist Party is not tolerated.

Expressions of Latvian nationalism continued in 1985. On two occasions these led to clashes between Latvian and Russian youths in Riga. The first clash reportedly occurred on Victory Day, May 9; the second, several days later on Latvian Independence Day. The Independence Day disturbances apparently took place against the backdrop of a demonstration demanding an end to Soviet occupation. Around 300 young Latvians were temporarily detained, with injuries and even some fatalities reported.

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

The Soviet Government rejects any foreign criticism of its human rights record, maintaining that all internationally recognized human rights are fully protected. Its attitude toward investigation of the human rights situation in Latvia is uncompromisingly negative.

LATVIA

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Since its annexation, Latvia, with its population of about 2.5 million, has become an industrial workshop and trading center for the Soviet Union. Soviet authorities have emphasized investment in heavy industry, and industrial output has increased substantially since World War II.

The process of industrialization was accompanied by a large influx of Slavic workers from elsewhere in the Soviet Union because of Latvia's small labor force and low birth rate. At the same time, Latvian agriculture has been neglected, and this has caused periodic shortages of food, particularly meat and dairy products, in a country that exported such products during independence.

Latvia's economic performance during the first 6 months of 1985 was roughly on a par with the Soviet average. Growth in industrial production was 3 percent compared with the Soviet average of 3.1 percent, and labor productivity rose by 3.2 percent, well above the Soviet average of 2.6 percent.

By most measures of economic well-being, Latvia has for decades been regarded as better off than most areas in the Soviet Union. To some extent, this former prosperity is now working against it, as centrally controlled funds are diverted to less developed areas in the Soviet Union. The deterioration of housing is readily observable, and the same phenomenon is said to extend throughout the economic and social infrastructure, including roads, schools, institutes, hospitals, and even factories.

The large proportion (about 47 percent) of non-Latvians in the population, along with cultural censorship and mandatory ideology, has placed the Latvian language and culture in jeopardy. Lacking an internal rallying point, such as the Roman Catholic Church provides for Lithuanians, or a nearby external point of cultural affinity, as Finland is for Estonians, Latvians face poor prospects in their efforts to preserve and refresh their cultural traditions.

LITHUANIA*

The largest of the three Baltic states which were independent between the two World Wars, Lithuania was annexed by the Soviet Union in 1940 as a constituent republic of the Soviet Union. The United States does not recognize the forcible incorporation of Lithuania into the U.S.S.R.

Lithuania is subjected to the same centralized rule, the same Constitution and judicial system, the same restrictions on civil and political liberties, and the same police controls as the republics in the Soviet Union.

As in the other Baltic states, the standard of living in Lithuania is somewhat higher than in the Soviet Union. Agricultural and industrial production increased in 1985, but Soviet redistribution policies continued to force down Lithuanian living standards toward lower Soviet levels.

Respect for human rights remained substandard in 1985, as Soviet authorities continued their campaign against the Roman Catholic Church.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

Although Lithuanian activists have on occasion died in Soviet custody, it is difficult to establish official responsibility for the deaths of persons involved in human rights activities. There were no reports of known political killing in 1985.

b. Disappearance

There were no known instances of permanent or prolonged disappearance.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Political dissidents are frequently mistreated during interrogation or confinement in labor camp, prison, or psychiatric hospital. Persons accused of publishing or distributing underground publications receive harsh sentences, including prison, labor camp, exile, and psychiatric hospital, typically on the charge of "anti-Soviet agitation and propaganda."

Lithuanian Helsinki Group member Victoras Petkus, imprisoned for human rights activities, has reportedly been in very bad health since doing a term in the labor camp prison in 1983-84. There has been no direct news of Petkus since August 1983.

* Given Soviet control over all aspects of life in Lithuania, the systemic human rights abuses described in the report on the U.S.S.R. apply also to Lithuania. This report discusses only instances of repression specific to Lithuania.

LITHUANIA

On August 22, Father Vaclovas Stakenas, a member of the Catholic Committee to Defend the Rights of Believers, was violently attacked by two unknown assailants and then thrown into a pond.

d. Arbitrary Arrest, Detention, or Exile

The provisions of Soviet law are so broadly worded that they have been used to prosecute persons exercising basic human rights.

A Catholic activist, 79-year-old Vladas Lapienis was sentenced in March to 4 years' imprisonment for "fabrications denigrating the Soviet system." Lapienis, who had recently finished serving a prison sentence for contributing to the Chronicle of the Catholic Church in Lithuania, had written his memoirs of his time in a labor camp. It was evidently because of those memoirs that he was rearrested, tried, and convicted.

e. Denial of Fair Public Trial

As in the Soviet Union, Communist Party control of society is exercised in political cases to negate constitutional guarantees of the objectivity and independence of the judicial process. The self-determined compelling needs of the State override the rights of a defendant.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Through devices ranging from a network of informers to censorship of mail, electronic monitoring of telephones, and jamming of foreign radio broadcasts, government authorities have the ability to interfere in every aspect of personal life. Constitutional guarantees to the contrary, Soviet investigative agencies do not abstain from forced entry and illegal searches. Contacts between Lithuanians and foreign visitors are strongly discouraged, and those who indulge in such contacts are subject to harassment by the authorities.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Constitution provides for most internationally accepted political liberties provided that their exercise accords with the strengthening and security of the "Socialist system". As is shown by the frequent imprisonment of religious leaders, human rights activists, and those involved in underground publications, Soviet officials show little respect for freedom of speech and press. Despite the authorities' complete control of the legal media and strict censorship, however, underground publications continue to be produced. Publications such as the Chronicle of the Catholic Church in Lithuania, Ausra (Dawn), Tautos Kelias (The Path of the Nation), Lietuvos Ateitis (Lithuania's Future), and Perspektyvos (Perspectives) appear regularly.

b. Freedom of Peaceful Assembly and Association

The right to associate is provided for in the Constitution, but the authorities strictly control all associations and organizations.

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Soviet labor law and practice are enforced in Lithuania. Although the Constitution guarantees all Soviet citizens the right to form trade unions, any efforts by workers to exercise this right independently of state-sponsored and controlled unions have been brutally repressed. Given Soviet concern that the ideas of the Polish Solidarity trade union movement might spread, this has been especially true in the Baltic states.

c. Freedom of Religion

Despite constitutional guarantees, religious activity is subject to systematic harassment. Soviet authorities have apparently mounted a large-scale assault on religion. Reportedly, they are taking control of church committees and excluding priests from them. Because of governmental control over admissions to Lithuania's only theological seminary, the shortage of priests is such that 139 parishes are said to have no permanent priest. Children are harassed to deter them from attending church services. In school, the children of believers are sometimes forced to join atheist organizations or are punished for not joining them. Catholics attending religious festivities have been interrogated and physically abused, and historic shrines or artifacts have been desecrated.

Because of difficult conditions created by government reprisals and threats, a group of the Lithuanian Catholic Committee for the Defense of Believers' Rights decided it could no longer function publicly and has gone underground. In January 1985, Father Jonas Matulionas became the third prominent Committee member convicted by Soviet authorities. His colleagues, Fathers Alfonsas Svarinkas and Sigitas Tamkevicius, had been convicted in 1983 of anti-Soviet agitation and propaganda. Father Matulionas received 3 years in labor camp for "disrupting public order." The charge reportedly stemmed from his having led an All Saints Day procession to a cemetery, an illegal activity under restrictive Soviet religious regulations. Matulionas was released on June 19, 1985, apparently under the terms of the Amnesty Decree of June 5. He was, however, rearrested on June 26. Relatives were told that he would not be retried but would simply serve out the previous sentence. No reason for the rearrest was given. A young Catholic student, Roman Zemaitis, was convicted with him and sentenced to 2 years in labor camp.

The Chronicle of the Catholic Church in Lithuania reported in July that two residents of Klaipeda named Murauskas and Jonulis were arrested in early 1985 and charged with "illegal trade." The two men reportedly were privately printing religious cards and texts for use during religious festivals.

Despite these convictions and continuous Soviet attempts to suppress its activities, the Catholic Church in Lithuania remains an active and vigorous religious denomination.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The right to travel has been restricted even further since 1980. Many Lithuanians have family and personal ties with Poland. In past years, travel back and forth was relatively frequent. Since the emergence of the independent Solidarity

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trade union movement in Poland in 1980, the Polish-Lithuanian border has been closed for extended periods. The importation of printed materials from Poland was sharply curtailed during 1981. Soviet propaganda in Lithuania against the Solidarity union, designed to suppress the formation of a free labor movement in Lithuania, was particularly active.

Emigration from Lithuania has virtually stopped during the past 2 years. Although many Lithuanians have close relatives abroad, Soviet authorities use various vague phrases, such as "against the interests of the State," in order to refuse to permit the reunification of families. The authorities try to deter people from emigrating by dismissal from employment, psychological harassment, and alteration of the procedures for exit visa applications. On the U.S. Government Representation List of Divided Families, there are currently six Lithuanian families who have been repeatedly refused permission to emigrate to the United States. Five residents of Lithuania are on the U.S. Government Representation List of American Citizens, dual nationals who have been denied permission to settle in the United States. One of them, Vytautas Skuodis, a member of the Lithuanian Helsinki Group, has been serving a sentence of 7 years in labor camp and 5 years in internal exile since 1980, in connection with his human rights activities. There are 82 families on the U.S. Government Representation List of Soviet Jews Who Have Been Denied Permission to Emigrate to Israel..

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

The Communist Party of the Soviet Union, through its leaders in Moscow, directs and controls all political, economic, cultural, and social developments. It is defined in law as the "leading and guiding force of Soviet society" and is the only political party that is tolerated.

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

Rejecting foreign criticism of its human rights record, the Soviet Government argues that it fully protects all internationally recognized human rights. It will not permit any investigation of the human rights situation in Lithuania.

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Lithuania is the most rural of the Baltic states, as well as the largest, with a population of 3.4 million. Despite Moscow's high priority on the development of industry, half the labor force remains employed in agriculture. Soviet statistics published for the first half of 1985 showed a relatively strong performance by the Lithuanian economy. Lithuania's 4 percent growth in industrial production was far above the pace of the other two Baltic republics and of the nation as a whole, although it trailed last year's growth of 6.6 percent. Furthermore, the 3.4 percent growth in labor productivity outstripped the national average of 2.6 percent.

Many Lithuanians, however, do not believe that this expansion of industrial production will carry over into a genuine improvement in the consumer situation. They believe that the deterioration of the average diet will continue in the

LITHUANIA

republic, even in years of high production, since much of Lithuania's food production is sent to the Soviet Union or to neighboring Poland. While the quality of housing remains above general Soviet standards, living conditions as a whole are falling to the lower level common to the republics of the Soviet Union.

The relative homogeneity of Lithuania's population, its strong sense of national identity, and the binding force of the Lithuanian Catholic Church have helped to preserve many of the country's social and cultural traditions. Nevertheless, the disruptive effects of an antireligious ideology, forced collectivization, and a policy of industrialization have been severe. Rigid controls on cultural and religious expression have forced many Lithuanians into underground activity, which brings them into conflict with the authorities. A reduction in the amount of Lithuanian language instruction at the primary level in 1982, with a corresponding increase in the teaching of the Russian language and Russian history, has aroused fear that the groundwork is being laid for cultural and eventual linguistic russification of the country. Non-Lithuanians total about 20 percent of the population, and their proportion has been growing in recent years.

LUXEMBOURG

Luxembourg is a constitutional monarchy with a parliamentary form of government. The Grand Duke is the Chief of State.

Under the rule of law, the judicial and penal systems in Luxembourg function with fairness and nondiscrimination for all. The integrity of the person and civil and political rights are guaranteed by the Constitution and protected in practice.

Luxembourg is a highly developed industrialized state. Its free-enterprise economic system places heavy emphasis on steel production, agriculture, and service industries such as banking, radio-television broadcasting, and tourism.

Luxembourg insures that human rights are respected at home and works actively to promote human rights internationally. It continues efforts to treat its large foreign population fairly and to engage labor unions in the industrial decisionmaking process.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

Killing for political reasons by the Government or opposition political organizations is unknown in Luxembourg.

During 1985 there were a series of mysterious bombings aimed at public utilities, Gendarmerie facilities, and government buildings, resulting in property damage but no injuries to individuals. No group has claimed responsibility for the bombings. There is thus far no evidence linking the bombings to international terrorist groups.

b. Disappearance

Governmental or officially sanctioned abduction or secret arrest has not occurred in Luxembourg.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is prohibited by law and is not practiced. Prisoners are fairly treated, have free choice of attorneys, and are allowed visitors. A new modern prison to serve all Luxembourg was recently opened.

d. Arbitrary Arrest, Detention, or Exile

Freedom from arbitrary arrest is guaranteed by law and respected in practice. Luxembourg law is a composite of local practice, legal tradition, and foreign systems--French, Belgian, and German. Preventive detention does not exist. Defendants must be charged no later than 24 hours after arrest. Persons can be incarcerated pending trial, if so ordered by a judge. Exile is not imposed, nor is there forced labor.

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e. Denial of Fair Public Trial

Luxembourg has an independent judiciary, free from executive or military interference. There are military courts, but civilians are not subject to their jurisdiction. Defendants have the right to legal counsel. Charges are formally and clearly stated.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Police must have warrants, issued by the judiciary, to enter a private home. Luxembourg statutes prohibit other violations of the home such as demolition, sealing doors and windows, and electronic surveillance. The privacy of correspondence is universally respected.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Constitution guarantees freedom of speech and press. Except for restrictions against pornography, there is no media censorship. The Government does not interfere with public criticism or academic inquiry.

b. Freedom of Peaceful Assembly and Association

Freedom of peaceful assembly and association is guaranteed by the Constitution and respected in practice. There are no limitations on orderly public meetings, and the right of free assembly is denied to no group.

Unions have the right to organize, negotiate, and strike, although by tradition strikes are virtually unknown in Luxembourg. Unions participate directly in a tripartite arrangement with government and management, which forms a decisive step in the decisionmaking process on major economic issues. A large percentage of the work force is unionized. Unions and professional groups maintain unrestricted contact with international bodies in their fields.

c. Freedom of Religion

Luxembourg does not have a state religion, and there is no discrimination against practitioners of any religious faith. The population is statistically 99 percent Roman Catholic, and this faith is deeply intertwined with the conservative culture of the country. Thus, a consensus with Roman Catholic beliefs often surfaces on social issues; for example, there is no government funding for abortions.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions regarding movement within Luxembourg, foreign travel, or emigration and repatriation. There are no barriers to potential immigrants from countries of the European Community (EC). Since 1970, Luxembourg has had a large Portuguese population. The status of citizens of Portugal in Luxembourg is guaranteed by bilateral agreements and is similar to that accorded citizens of the EC. Although Luxembourg is not a country of first application for refugees, government officials believe that on a per capita basis within

LUXEMBOURG

the EC relatively liberal numbers of refugees (notably Vietnamese) have been admitted. Once admitted, refugees benefit from state social programs and are well treated.

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

Under Luxembourg's parliamentary democracy, all citizens 18 years of age and older may participate in national elections which are held every 5 years. Luxembourg's sizable foreign resident population (26 percent) does not have the right to vote, although it enjoys the rights of free speech, press, assembly, movement, and religion. It may also join organizations such as labor unions which exert considerable indirect influence on the political process. Women participating in politics or holding political office include the leader of the Liberal Party and the Mayor of Luxembourg.

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

Luxembourg governments have consistently supported international and nongovernmental investigation of alleged violations of human rights. The Red Cross, Amnesty International, and the U.N. High Commissioner for Refugees have representatives in Luxembourg. Amnesty International did not mention Luxembourg in its 1985 Report. Freedom House rated Luxembourg "free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Luxembourg is a small country with a population of about 366,000 and a growth rate of 0.1 percent. Per capita gross national product for 1983 was \$14,650. The unemployment rate is approximately 1.9 percent. A notable feature of the Luxembourg economy is the importance of one industry, steel, which accounts for a high percentage of Luxembourg exports. However, steel is undergoing basic restructuring and is declining gradually in terms of overall economic importance.

Luxembourg enjoys a high standard of living and the usual indices of a developed western society--adequate medical care with life expectancy of 73.2 years, 99 percent literacy, and a general lack of poverty.

The right to work is guaranteed to every Luxembourger by the Constitution. The employment of children under the age of 16, however, is prohibited. The normal workweek is 40 hours, spread over 5 workdays. Work on Sunday is generally prohibited, except in continuous process industries (like steel) and for individuals such as maintenance and security personnel.

Worker representatives are required in all businesses of 15 or more employees. In businesses with over 150 employees, 50 percent of the joint works councils are elected by the employees, and in those with more than 1,000 employees, one-third of the boards of directors must be employees.

Although few women in Luxembourg are senior executives, the situation is gradually changing as women become increasingly involved in the political process and enter the financial and business community.

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About 26 percent of Luxembourg's population are foreigners, and although immigration is now low, the foreign population is growing gradually while the native Luxembourg population is declining. Economic recession has created a slight rise in unemployment. However, Luxembourg remains notably free from social and related political instability.

MALTA

Malta is a constitutional republic with a parliamentary government elected by universal suffrage. Executive power is vested in a President who appoints as Prime Minister the leader of the party which gains the most seats in the quinquennial election for the unicameral legislature. The outcome of the December 1981 election, in which the Nationalist Party won 51 percent of the popular vote while the Labor Party, in part because of the redrawing of electoral districts, took a majority of parliamentary seats, has caused prolonged and persistent domestic political conflict. As a former British colony, Malta is a member of the Commonwealth.

The Maltese economy is dependent on export manufacturing, tourism, and other service industries.

Malta's human rights performance in 1985, as in 1984, was marked by reported instances of police beatings and ill-treatment, political pressure on the judicial system, and strains between the Government and the Roman Catholic Church over operation of church-sponsored schools.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

No known incidents of political killing by government personnel or clandestine groups occurred during 1985.

In November, heavy loss of life resulted when terrorists hijacked an Egyptian airliner to Malta and began murdering their hostages.

b. Disappearance

No cases of disappearance are known to have occurred in 1985.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Maltese Constitution prohibits inhuman or degrading punishment. In several instances during 1985 victims testified in court that the police had inflicted inhuman and degrading treatment on them. The police denied the charges. In one case medical opinion confirmed beatings and cigarette burns during police interrogation. In two court cases defendants testified that they had signed confessions under duress or threat from the police. The judge found the defendants not guilty, but no action was taken against the police.

In 1985 Amnesty International wrote to the Minister of Justice concerning allegations that detainees had been ill-treated at police headquarters between 1977 and 1985.

d. Arbitrary Arrest, Detention, or Exile

Freedom from arbitrary arrest or detention is provided for in the Constitution and generally respected in practice. There are no known political prisoners or persons in political exile.

MALTA

Persons can be held for 48 hours of "questioning" without being charged. On several occasions during the past few years prominent opposition figures or activists have been held under this provision. There were no such instances reported during 1985.

On September 19, 1985, an Italian citizen, Massimo Gorla, President of the European Union of Young Democrats, was arrested by the police and held at police headquarters for approximately 6 hours. Gorla was to have taken part in activities organized by the opposition Nationalist Party. A government statement said: "Gorla did not ask for, and did not get, the permission required by law." The law referred to, the Foreign Interference Act of 1982, requires that all foreigners apply for and receive permission before participating in any foreign activity in Malta, except activities which are purely cultural, educational, philanthropic, religious, or of an entertainment nature. Approval may not be given for activities which constitute an interference in the internal affairs of Malta or the foreign policy pursued by its Government or which would give an advantage to any Maltese political parties. The next day the police deported Gorla from Malta without a court order.

The Constitution also guarantees the right of habeas corpus. However, there is no right to legal assistance during interrogation. In at least one case a foreign citizen was twice detained and claimed to have been harassed by the police without any apparent justification.

The Constitution prohibits the use of any form of forced or compulsory labor, and this prohibition is respected in practice.

e. Denial of Fair Public Trial

The Constitution guarantees a fair public trial before an impartial court. The judicial system, which is constitutionally independent, is nonetheless in practice sometimes subject to political pressure. Some political and constitutional cases which were before the courts in 1984 or earlier years have not been resolved. These include several constitutional cases brought by the Catholic Church and other organizations against the Government during 1984, contesting the Government's suspension of licenses for certain private schools. Although the Government renewed the licenses for these schools to operate until the end of the 1984-85 academic year and again for the 1985-86 academic year, the constitutional issues in the cases remain in dispute.

In November 1984 a judge resigned from one of the church school cases after the Government proposed a motion in Parliament to remove him. Two other judges abstained from the same cases in February 1985. When the Constitutional Court began hearing government appeals, the Government challenged the legality of the composition of the court, but on February 25 the Constitutional Court declared itself validly constituted. Within days both cases were adjourned indefinitely by the First Hall of the Civil Court, which had originally heard the cases. In April and June the Archbishop of Malta and the Federation of Private Parent-Teacher Associations requested the court to continue with the cases by the appointment, if need be, of an acting judge under clause

MALTA

99 of the Constitution. No action has been taken on these two applications.

In February 1985 the Prime Minister, in a statement to Parliament, said "the Government has never interfered with any court when it was doing its duty." He added that he "expected the court to do its duty but if the court was not doing this, they (the Government) had every right to tell the people this and come to the House to censure the court."

The Court Reform Act of 1981 limits the jurisdiction of the courts in the area of oversight of administrative actions by the Government. Defendants may not use lawyers in cases before the Industrial Tribunal, which has exclusive authority in cases of unfair dismissals of workers employed on indefinite contracts of employment. Thus, a dismissed employee may find himself in the position of having to defend his own case before the Tribunal without aid, even if such person is illiterate or has no knowledge of legal or administrative proceedings. Nor may civil servants be represented by lawyers in cases held before the Public Service Commission.

During 1985 there were several complaints that awards delivered by the Industrial Tribunal were not based on a correct and faithful interpretation of the law.

A government-established Court Commission, charged with ensuring professional and ethical adherence by lawyers, remains unrecognized by the Chamber of Advocates.

Maltese citizens do not have the right of individual petition to the European Court of Human Rights.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Protection of the privacy of the home is guaranteed in the Constitution and is respected in practice. Most police searches require warrants which are issued only after proper administrative review. However, any police officer of the rank of inspector or higher may carry out a search without a warrant. The Postmaster General employs several people to ensure that postcards, periodicals, and other publications which might be regarded as pornographic are confiscated and destroyed. In 1985 the Prime Minister denied opposition allegations of telephone tapping.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

These freedoms are guaranteed by the Constitution and generally respected in practice. Persons contributing to the opposition press may, however, suffer some form of retribution. For example, an opposition youth leader was suspended from work for publishing an article in the opposition press and has not been reinstated. In another instance, a young opposition party political activist sued the Government in 1984 for not issuing his civil architect's warrant after he had successfully graduated from the university. In the protracted court case, during 1985, it was revealed that he had written antigovernment articles in the press. His warrant has still not been issued.

MALTA

Moreover, several ministers in parliamentary statements have accused individual Maltese citizens of potentially treasonous behavior for criticizing Malta while abroad.

In 1985 the Government lifted a 4-year ban on the sale and distribution of The Times of London. It had imposed the ban after that paper refused to publish its reply to an article deemed detrimental to Malta. The ban was lifted after The Times carried an interview with the Prime Minister.

Television and radio are state-owned. The opposition's request to have its own radio station has been turned down. The Constitution requires that there be an independent broadcasting authority to oversee the impartial operation of the broadcast media. This has not been in existence since 1981. The opposition party and independent trade unions complain frequently that they receive biased television and radio coverage. During 1985 a Parliamentary Select Committee was established to discuss a number of political issues, including radio and television broadcasting. No agreement on broadcasting has been reached.

Government statements issued through the Department of Information are privileged, i.e., the right of reply does not apply to such statements.

b. Freedom of Peaceful Assembly and Association

The right to peaceful assembly is guaranteed by law. Police permits are generally given for political meetings and other public activities of the opposition Nationalist Party. However, three European Christian Democrats--all of whom had previously criticized the Government--were denied permission to address the Nationalist Party meeting in February, and a fourth, Italian Christian Democrat Massimo Gorla, was arrested after addressing a Nationalist Party rally for violation of the Maltese Foreign Interference Act (see Section 1.d.).

Trade unionists and other interest groups freely exercise the right to set up associations. The largest labor organization, the General Workers Union, has been unified by statute with the Malta Labor Party since 1978. There are also several independent unions which have, since 1982, been excluded from the Maltese delegation to the International Labor Organization (ILO). The independent unions were, nevertheless, separately represented at the annual ILO conference in Geneva in July 1985.

The Constitution guarantees the right to bargain collectively and to strike. Government employees who have exercised the right to strike have, in several instances, been transferred or suspended.

During 1985 one opposition party club was requisitioned, while a court case on the withholding of permits to build another one has been pending for some time. In another case a permit to open an opposition club was issued after a court case.

c. Freedom of Religion

The right to practice the religion of one's choice is constitutionally guaranteed. The overwhelmingly dominant religion is Roman Catholicism, and there are small groups of Protestants, Hindus, Muslims, Baha'is, and Jews.

MALTA

In 1985, for the second consecutive year, strains persisted between the Roman Catholic Church and the Government concerning church-sponsored private schools. Since 1984, secondary schools have not been permitted to charge tuition or to accept direct loans or donations from parents. The Church presented an inventory of its wealth to the Government, and discussions among the Church, the Government, and the Vatican continue over the financing and operation of church schools. The Government has indicated its interest in concluding a concordat with the Vatican.

In 1983 the Government enacted the Devolution of Certain Church Property Act, which provided a mechanism for the Government to take over a significant portion of the Catholic Church's wealth. The court has ruled, in a case brought by the Church against the Government, that this law is unconstitutional. The Government has appealed this decision.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Neither domestic nor foreign travel is circumscribed. Freedom of movement, foreign travel, and emigration are guaranteed and respected in practice. A 1984 restriction on the amount of foreign exchange Maltese travelers to Italy could take abroad was lifted on September 16, 1985.

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

Political activity and partisan feelings run high in Malta. In the last parliamentary elections (1981), more than 95 percent of registered voters actually voted.

The opposition has charged that the most fundamental human right, that of citizens to change their government, is threatened because, in the 1981 election, the party which received a majority of the popular vote did not win a majority of parliamentary seats. A Parliamentary Select Committee, formed during 1981, is to address, among other issues, the structure of the voting system so as to avoid a repetition of the result of that election. No progress on this issue has been reported.

During 1985 the Communist Party of Malta and a new political party, the Democratic Party, announced that they intend to put forward candidates for the next parliamentary election.

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

In 1984 Maltese citizens established a human rights group named "Hielsa" (Free). This group, the first of its kind, was active in 1985. Amnesty International's Bulletin reported in 1985 that the organization had written to the Minister of Justice and Parliamentary Affairs concerning allegations that detainees had been ill-treated at police headquarters in Valletta between 1977 and 1985.

Amnesty International's 1985 Report did not mention Malta. Freedom House in its 1985-86 report rated Malta "partly free" and described the ruling party as "increasingly antidemocratic."

MALTA

In May 1985 the Vienna-based International Helsinki Federation for Human Rights issued a report on "Human Rights in Malta" which stated that "the jurisdiction of Maltese courts has been circumscribed and their possibility to disagree with the government has been undermined by verbal and physical attacks...violations of human rights have occurred despite the presence of a constitutional court and the very advanced provisions of the Maltese Constitution."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Malta, with a population in 1985 of 332,000, had a per capita gross national product in 1984 of \$3,318. According to government statistics, unemployment is 8.6 percent.

The Constitution declares that the fundamental aims of government are to make available to all citizens the highest levels of education and social welfare. Both the Government and the opposition support the basic rights of individuals to own property, to work with just conditions and remuneration, to maintain a standard of living adequate for health and well-being, and to receive universal education.

Public economic and social services are extended on a nondiscriminatory basis though there are frequent charges of government partisan favoritism in the allocation of public housing, phone services, and import and export licenses.

General standards of health care in Malta are average. In 1984, life expectancy at birth was 72.54 years, and infant mortality is 11.7 per 1,000 live births. Government programs in health care have concentrated on providing inexpensive health care services to the largest possible proportion of the population. A prolonged 8-year old labor dispute between the Government and the medical association has led many Maltese doctors to leave the country. The Government also withdrew licenses and support for the remaining church-run private hospitals, which were consequently forced to close.

Maltese public education is free and open to all. The literacy rate is nearly 90 percent, and education is compulsory to age 16. The primary school enrollment ratio in 1979 was 96 percent. Enrollment in the only university on the island is dependent on sponsorship. Graduates of state schools have an advantage as regards admission over students coming from private schools.

The minimum age for employment of children is 16. Maltese law guarantees acceptable conditions of work, including minimum wages, maximum hours of work, and provision for occupational safety and health.

Women participate freely in social and political life and continue to expand their economic role, although they are underrepresented in the professions and management. Women constitute only 27 percent of the labor force, but strong private sector demand for female labor has ensured a very low level of unemployment among women. There are legal limitations on women's property rights within marriage, which derive from traditional Maltese social values. The Government, however, is working on legislation to remove a number of limitations, and restrictions on public sector employment of married women were removed in 1981.

THE NETHERLANDS

The Netherlands is a parliamentary democracy under a constitutional monarch. A special feature of the Dutch political system is nationwide proportional voting for Parliament where the full range of the political spectrum is represented.

The Dutch have a free market economy with a large social welfare system providing a relatively high level of social benefits.

The Dutch attach great importance in their foreign and domestic policies to human rights. Internationally recognized rights are protected by Dutch law and respected in practice. The most significant development in 1985 was a government memorandum on return migration which emphasized that the return of foreign nationals legally resident in the Netherlands to their own countries was entirely a voluntary matter.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

Killing for political motives by government or domestic political groups has not occurred.

b. Disappearance

Abductions, secret arrests, and clandestine detention by police or other official security forces has not occurred.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and cruel or inhuman punishment are prohibited by law and do not occur in practice. Prison conditions are good by international standards.

d. Arbitrary Arrest, Detention, or Exile

Freedom from arbitrary arrest and imprisonment is guaranteed by law and respected in practice. There are no political prisoners in The Netherlands. A right of release from detention exists in practice. Preventive detention is permitted only in times of emergency, upon declaration, for a limited time by national or municipal authorities. This power is used infrequently, and normally a person can be held no longer than 6 hours unless charges are brought. Exile is unknown in The Netherlands. There is no forced labor.

e. Denial of Fair Public Trial

The right to a fair public trial is guaranteed by law and respected in practice. Defendants have the right to counsel, and a system of free or low-cost legal assistance exists for those unable to pay for such counsel. Charges must be formally stated. The judiciary is independent, with a functioning appeals process and a Supreme Court.

THE NETHERLANDS

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

A judicial warrant is required to enter a person's home or monitor private correspondence. The State respects individual freedom of choice in family matters.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

An independent press, an effective judiciary, and a functioning democratic political system, combine to ensure freedom of speech and press. A feature of media policy is the allocation of broadcasting time to all social and political groups, which ensures that minority viewpoints are heard.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly and association is not restricted. Various private interest groups exist and play an active role in the political process.

The right of unions to organize and bargain collectively is well established. The active trade union movement includes in its membership approximately 32 percent of the employed labor force. Unions are entirely free of government and political party control and may participate in political life. They are free to maintain relations with recognized international bodies in their fields.

All union members, except civil servants, have the legal right to strike. The interests of civil servants are safeguarded by an arbitration committee. Moreover, the Government is considering proposing a bill that would permit most civil servants to strike, except those who provide vital services, such as air traffic controllers and soldiers.

c. Freedom of Religion

There is full freedom of religion in The Netherlands. State subsidies in the educational field are provided to religious organizations which maintain educational facilities. The amount of the subsidy is based on the number of students attending the schools.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There is freedom of domestic and foreign travel, emigration, and repatriation in The Netherlands. Restrictions are not placed on residence. The Netherlands has provided first asylum for refugees from Eastern European countries and permanent resettlement for a limited number of persons, principally from Eastern Europe and Vietnam.

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

The Netherlands is a functioning multiparty democracy. Nationwide elections are held every 4 years (or more frequently in the event of a parliamentary vote of no-confidence). In the most recent elections in September 1982, a center-right coalition came to power replacing a

THE NETHERLANDS

center-left government. Political parties are numerous (13 have seats in Parliament) and represent all points of view, from the far right to the far left. Women have full political rights and are increasingly represented in political life. Approximately 20 percent of the members of the lower house of Parliament are women.

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

The Netherlands has not been the subject of international human rights investigations. There are a number of Dutch groups interested in human rights abroad, as well as national chapters of international organizations such as Amnesty International. The Netherlands Government is active in the United Nations Human Rights Commission and other international forums concerned with human rights.

Amnesty International's 1985 Report did not mention the Netherlands. Freedom House rated the Netherlands "free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The Netherlands has a population of 14,481,000, and per capita gross national product was just under \$10,000 in 1983. The right to private property is protected in the Dutch market economy.

The welfare state is well established, with an extensive system of cash and tax benefits to assist the unemployed and handicapped and to provide adequate educational and health opportunities to all citizens. Average life expectancy is 76 years, and the infant mortality rate is 8.1 per 1,000 live births. Primary education is universal.

The minimum age for employment of young people is 15. At 15 years of age, they may work full-time only if they have completed the mandatory 10 years of schooling. Children still in school at age 15 may not work more than 8 hours per week. Laws prohibit children under the age of 18 from working at night, from working overtime, and from working in areas which could be dangerous to their physical or mental development.

Dutch law adequately protects the safety and health of workers. The average workweek for adults is 38 hours. Workers 18 years and older receive a minimum of 15 days paid vacation per year. Full-time workers between the ages of 15 and 18 receive a minimum paid vacation of 20 days per year. Wages are sufficient to provide a decent living for workers and their families.

Women enjoy full legal and political equality in The Netherlands. In economic life, the entry of substantial numbers of women into the labor force occurred somewhat later in The Netherlands than in most Western industrialized countries. The Government and most political parties continue to advocate special consideration for women in order to further progress in the area of economic equality.

The problem of effectively integrating Dutch racial and ethnic minorities into national economic and social life is perhaps the most difficult human rights related issue confronting the Dutch Government. Thousands of persons from the former Dutch

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colony of Suriname and The Netherlands Antilles have come to live in The Netherlands in recent years. In addition, there are significant numbers of foreign guest workers, mostly from Turkey and Morocco. These groups face some overt discrimination in housing and employment, as well as practical limits on opportunities for social and economic advancement caused by inadequate educational levels compared to the majority of Dutch citizens. There is a widespread fear among the Dutch that discrimination, prompted by difficult economic times throughout The Netherlands, is increasing. There have been isolated instances of violence against persons for racial reasons during the past 2 years.

Government policy to combat discrimination is outlined in its 1983 "Minority Note." This document is a comprehensive plan of action to address the problems of minorities in the fields of health, education, employment, and the law. It works from a basic premise that maximum integration of racial minorities into broader Dutch society is the only way to achieve full equality. The report includes sections to address the special problems of minorities, youth, and women.

In 1985, the Government sent to Parliament a policy memorandum on return migration. The memorandum was designed to clarify the return policy, first outlined in the 1983 Note. There had been criticism of aspects of the policy which proposed financial "incentives" for those foreign-born persons who wish to return to their former country of residence. The 1985 memorandum made clear that return migration was entirely voluntary. Financial assistance is provided to assist certain foreign nationals who wish to leave The Netherlands but lack the means to do so. In an experimental program to last 1 year, workers between the ages of 55 and 64 who have been legally resident in The Netherlands for not less than 5 years and have been unemployed for not less than 6 months may be eligible to receive payment of the costs of the return journey and regular Dutch social security benefits.

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Norway is a constitutional monarchy and parliamentary democracy. King Olav V is the titular Head of State, but his role is mainly symbolic. Norway is governed by a Prime Minister, Cabinet, and a 157-seat Parliament which is elected every 4 years and cannot be dissolved. At present, the Conservative, Christian People's, and Center Parties form a coalition government with Conservative leader Kare Willoch as Prime Minister.

An advanced industrial state, Norway has a mixed economy combining private, public, and state ownership. Individual freedoms, such as freedom of association and speech, and the right to pursue private interests and hold private property are guaranteed by Norway's Constitution and respected in practice.

Deeply rooted democratic principles, a strong egalitarian tradition, a lively press, and highly developed educational and social welfare systems have made Norway a leading defender of human rights in the world. During 1985 major domestic human rights issues included the rights of immigrants, those seeking political asylum, and those who object to military service on political grounds, as well as continuing concern on expanding opportunities for women.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

Politically motivated killings have not occurred in Norway.

b. Disappearance

Secret arrests and detentions have not occurred in Norway.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and cruel, inhuman, or degrading treatment or punishment do not exist in Norway's humane penal system. The maximum sentence is 21 years. The emphasis in Norwegian prisons is on rehabilitation.

d. Arbitrary Arrest, Detention, or Exile

Norwegian law provides for arrest warrants, which are used except in circumstances such as hot pursuit. Persons may be detained for up to 4 hours without being charged. A person charged with a crime has the right, observed in practice, to appear before a judge for arraignment within 24 hours. If charges are formalized at the arraignment, the judge then determines whether the detainee should be kept in custody or released pending trial. A strong case must be made to justify detention. Possible grounds include fear of flight, the needs of the investigation, and fear that a detainee will commit further crimes.

Although a provision for bail exists in Norwegian law, it is not used. A person in pretrial detention generally appears

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before a judge every 4 weeks for a new determination of the necessity of continued detention.

There is no legal limit on the time a prisoner can be held before trial. Considerable concern was expressed during 1985 over some cases of extended pretrial detention. In one case, a recent immigrant accused of narcotics offenses was held in pretrial detention for over 7 months before a court reached a verdict of innocence. In another case, an individual accused of crimes of moral turpitude was held in detention for 1-1/2 years before being sentenced to only 90 days' imprisonment. Pretrial detention for more than a year is, however, rare. Preventive detention exists but is used infrequently, as in the temporary detention of rowdy youth by the police.

Forced or compulsory labor does not exist in Norway.

e. Denial of Fair Public Trial

The right to a fair, public trial is guaranteed by law and honored in practice. Only in certain cases, including those involving state security or private family matters, are trials closed. In criminal cases, Norwegian citizens and aliens are entitled to free counsel of their choice, regardless of their income. In certain civil cases, indigent persons are guaranteed free counsel. Charges are stated formally and clearly. Except for the labor court, which mediates industrial relations disputes, the civil court is Norway's only judicial system and thus tries military and security cases as well. The judiciary is independent of both the legislative and the executive branches of government, as well as of the military.

During 1985, the legality of imprisoning those refusing both military service and alternative civil service became a public issue. Persons refusing both kinds of service have been held in prison for up to 16 months (the equivalent period of military service) without a trial. Detention is based on an administrative decision and not a judicial one. To date, 150 Norwegians refusing both military and civil service have been held in prison on administrative decisions only, although they have received the salary and benefits normally accorded to military recruits during this period of confinement. During 1985, one person imprisoned without trial brought his complaint before the European Human Rights Commission, which accepted his case for hearing, marking only the third time the Commission has agreed to hear a complaint against Norway.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The privacy of the family and individual is free from arbitrary interference by the State. Police may conduct searches of the home only with court approval and in instances of hot pursuit or when they fear evidence is being destroyed. There have been no allegations of forced official entry into Norwegian homes in 1985. In most cases wiretapping is prohibited by law, but it can be used in state security cases or narcotics offenses when officially approved by the court within carefully drawn and monitored legal guidelines. Correspondence may be opened only with authorization of the court in cases involving state security.

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Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Norway's Constitution guarantees freedom of speech and press, and these freedoms are respected in practice. In addition to restrictions on slander and libel, Norwegian law forbids racist or sexist remarks in printed or public speech. No one may publish information concerning national defense which could prove damaging to Norwegian security. During 1985 eight journalists were tried and found guilty of publishing information on secret Norwegian military installations. The journalists explained that their goal was to promote a defense policy debate on the locations of these installations and not to serve the interests of foreign powers. The cases initiated an active debate concerning the need for greater freedom of information and freedom of expression on political/military matters.

Norway has an active and diversified press sustained in part by government subsidies. Television and radio have long been operated by one state-owned broadcasting company, but the Government does not exercise direct editorial control. In recent years an experimental program for local, low-power radio stations has been expanded throughout the country, and licenses have been granted to private groups to operate local cable television stations.

Certain limitations apply to freedom of public expression with respect to the showing of films. Films must be reviewed by the Norwegian State Film Control Board, which has the authority to censor or ban any film that is overly violent, pornographic, or blasphemous. There is no evidence that any films have been censored because of political content.

b. Freedom of Peaceful Assembly and Association

Norwegians exercise these freedoms without restraint. Public demonstrations require advance permission which is routinely given.

Unions have the right to organize, negotiate, and strike. The Government, however, has the right to invoke compulsory arbitration under certain circumstances.

With membership totaling about 60 percent of the Norwegian work force, unions play an important role in Norway's political and economic life and are consulted by the Government on important economic and social problems. Although the largest trade union federation is associated with the Labor Party, all unions are free of party and government control. They maintain strong ties with international bodies such as the International Confederation of Free Trade Unions.

c. Freedom of Religion

The state church is the Evangelical Lutheran Church of Norway, to which 93 percent of the population belongs. There is a constitutional requirement that the King and half of the Cabinet belong to the state church. In addition, the Norwegian Work Environment Act permits prospective employers to ask job applicants in certain categories of work, such as positions which can influence child development, whether they respect Christian beliefs and principles.

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Approximately 4 percent of the population are registered members of 20 other denominations which operate freely and may proselytize. No religious community is required to register with the Government unless it desires state support, which is provided to all registered denominations on a proportional basis in accordance with membership.

Although the state religion is taught in all public schools, children of other faiths are allowed to be absent from such classes upon parental request. If a sufficient number of students belongs to the same faith, the school will arrange religion classes in that faith. Workers belonging to minority denominations are allowed leave for religious holidays.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government does not impede foreign or domestic travel, and Norwegians have full freedom of movement inside or outside Norway. The right to voluntary repatriation is guaranteed. Since 1945, the Norwegian authorities have granted asylum to approximately 11,000 persons, about half of them Vietnamese. During 1985, several nongovernmental organizations and human rights groups expressed concern about the treatment of those seeking political asylum in Norway, focusing on the well-publicized case of eight Iranians who arrived from Turkey and were sent back, although their acceptance as refugees by the Turkish authorities was not assured. The Norwegian Government later allowed the Iranians to return to Norway after consulting with the U.N. High Commissioner for Refugees. Also in 1985, human rights groups and the press paid considerable attention to 3 Vietnamese children whose parents were refused immigration because the children were beyond the legal age limit of 15 qualifying for family reunification. Upon reconsideration, the Government changed the legal limit to 18 and granted asylum to the parents.

The status of immigrants under Norwegian law surfaced over the proposed deportation of certain immigrants with longstanding residence in the country (over 7 years) upon separation or divorce from their Norwegian spouses. One person won his appeal of this decision and was allowed to remain in Norway, while the other cases are still pending.

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

Norway is a multiparty democracy ruled by a freely elected government. Six parties are represented in the Parliament (Storting); distribution of seats is based upon proportional representation by district. The Storting may reject or modify government proposals; if a government loses a vote on a major issue of confidence, it resigns and a new government is formed. The minimum voting age is 18, and voter turnout in the 1985 parliamentary elections was almost 84 percent. Foreigners who have resided in Norway for at least 3 years and are otherwise eligible have the right to vote in local elections.

While the Sami (Lapps) are the only significant minority (0.5 percent) with long residence in Norway, the influx of refugees and guest workers has produced other minorities. Neither the Sami nor any other ethnic minority is represented at present

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in the Storting. Women hold approximately 35 percent of Storting seats and 22 percent of Cabinet positions.

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

Norway cooperated during 1985 with the European Human Rights Commission when it investigated a complaint by a prisoner of conscience concerning his imprisonment without trial. It also consulted with the U.N. High Commissioner for Refugees with regard to the Iranians seeking political asylum in Norway from a third country where their safety might be in question, and accepted the advice of the High Commissioner on a case-by-case basis. Norway is itself an active participant in international human rights organizations which investigate alleged human rights abuses.

Within Norway, an Office of the Ombudsman provides a direct route for individual complaints against government agencies. A number of organizations monitor alleged human rights abuses either inside or, more often, outside the country. They include the Equal Rights Council (concerned with women's rights), the Immigrant Council, the Oslo Peace Research Institute, and the state-supported Human Rights Project. During 1985, an advisory council composed of government officials, legal experts, and representatives from nongovernmental organizations was formed to monitor human rights practices internationally.

In its 1985 Report, Amnesty International did not mention Norway. Freedom House rated Norway "free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Norway's population in 1985 was 4,152,000, growing at an annual rate of 0.3 percent. Norway's per capita gross national product was \$14,020 in 1983. The Government has virtually eliminated poverty through redistribution of income by subsidies, progressive income taxes, and other means.

Through a highly developed social welfare system that reflects a long tradition of egalitarianism, the Government meets the health, educational, retirement, and other needs of its people regardless of race, religion, sex, ethnic background, or political opinion. Life expectancy at birth was 76.1 years, while the infant mortality rate was 7.5 per 1,000 live births. Education at all levels is free. There are 9 years of compulsory schooling, and the primary school enrollment ratio (as of 1982) was 101.7 percent.

Under the Working Environment Act, all employed persons are assured safe and physically acceptable working conditions. Children are not permitted to work full-time before the age of 15. Ordinary working hours do not exceed 40 hours per week, and 25 working days of paid leave is granted per year (31 for those over 60). All workers are assured an adequate minimum wage, with standards set by the Government within each industry.

Women form over 40 percent of the work force and are protected under the Equal Rights Law of 1978 and other regulations. A State Equal Rights Council monitors enforcement of the 1978 law, and an equal rights ombudsman processes complaints of

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sexual discrimination? The Government provides for liberal maternity leave and time off for either parent to care for their children.

Apart from an extremely small Finnish population in the northeastern corner of the country, the Sami (Lapp) people were Norway's only significant minority group until the influx of immigrants during the 1970's. In recent years, the Government has taken steps to protect the cultural rights of the Sami by providing Sami language instruction at schools in Sami-inhabited areas, radio and television programs broadcast or subtitled in the Sami language, and subsidies for the publication of newspapers and books oriented toward the Sami.

There is a lively political debate on whether current restrictions on non-Nordic immigration, in effect since 1975, are racially motivated and whether immigrant minority groups, such as Pakistanis, Vietnamese, Turks, and Africans, are in practice treated equally by Norwegian authorities. The government provides legal protection for all minorities' rights and has taken active measures to help these groups adjust to Norwegian society, including free Norwegian-language instruction for any foreign resident.

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Poland is ruled by the leadership of the Polish United Workers (Communist) Party (PUWP) headed by General Jaruzelski. He is also the Supreme Commander of the Armed Forces in his capacity as Chairman of the National Defense Committee. In November 1985 General Jaruzelski became Chairman of the Council of State and was replaced as Chairman of the Council of Ministers by Zbigniew Messner, an economist. Two other parties, the United Peasants Party and the Democratic Party, are represented in the Government and the Sejm (Parliament), but their representatives collaborate closely with and are dominated by the Communist leadership.

Poland has a powerful security apparatus administered by the Minister of Internal Affairs. The Ministry's power was trimmed briefly by the trial and conviction of four of its secret police officers for the October 1984 kidnapping and murder of Father Jerzy Popieluszko, a Catholic priest and human rights activist with close ties to the Solidarity trade union movement. They received sentences of up to 25 years in prison. Since the termination of martial law in 1983, the army has returned to its barracks but a military leader, General Kiszczak, remains Minister of the Interior.

Poland's economic recovery continues slowly under the burden of substantial economic difficulties, including large debts to foreign creditors. Reforms aimed at greater decentralization of decisionmaking have modified only marginally the economic system's basic dependence on central control over resource management, production, and distribution. The major exception to that system remains Poland's predominantly private agricultural sector, in which the right to own land is provided. Small private businesses, mostly in the crafts and service areas, are also permitted.

During 1985, the principal issue of public life in Poland remained the tension between the Government and the great numbers of Poles who distrust or oppose the regime of General Jaruzelski. The Polish Constitution and legal code provide for a wide spectrum of civil and political rights. Other legislation, however, makes it clear that these rights are subordinate to the interests of the State. In an important negative development in the human rights area, legislation enacted in 1985 modified the Penal Code to provide, among other things, for the greatly enlarged use of summary courts. These courts are empowered to bring an accused to trial within 48 hours of arrest and to impose prison terms of up to 3 years for certain criminal and noncriminal offenses. According to an official source, some 20 percent of all penal cases were being heard under accelerated procedures, and more than 8,000 persons, including many of at least 400 political prisoners, had been sentenced between July and December under these accelerated proceedings.

Other negative developments included: the conviction and sentencing of 3 noted opposition activists to prison terms of 2-1/2 to 3-1/2 years for participating in a meeting which allegedly discussed plans to call a 15-minute strike protesting food price rises; amendments to the Trade Union Act of 1985 which indefinitely postponed the possibility of union pluralism; legislation concerning higher education which severely reduced the relative independence of Polish universities; and the increase in the number of political prisoners detained in jail or serving sentences from about 50

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at the beginning of 1985 to a high of about 360 in mid-October. A limited release of political prisoners was announced late in November. By year's end there were still at least 200 people being held on political charges.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

On February 7, 4 officers of the security service of the Ministry of Internal Affairs received prison sentences ranging from 14 to 25 years for their roles in the kidnapping and murder of the Catholic human rights activist and Solidarity supporter, Father Jerzy Popieluszko. Their conviction marked the end of a public trial, unprecedented in postwar Eastern Europe, in which members of the secret police were made accountable for their illegal activities against a citizen. Despite the outcome of the trial, many Poles remain convinced some senior official inspired the killing and will never be brought to trial.

The Polish Helsinki Committee believes that since December 13, 1981, the deaths of at least 118 persons, including many active in Solidarity, may be directly attributed to the violent imposition of martial law and the continuing suppression of popular movements in the name of public order. The committee alleges that six individuals died in 1985 as a result of physical abuse by police after arrest, and that three Solidarity activists died under suspicious circumstances. The committee reports no instances of deaths brought about during 1985 by police operations or actions against strikers or demonstrators.

b. Disappearance

Instances of prolonged or permanent disappearance have not been reported.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There is no evidence that the authorities systematically use torture to extract information. However, there have been frequent complaints by human rights groups of the militia or secret police having beaten or mistreated persons in their custody.

In December a Polish human rights activist released a report accusing prison authorities in the southwestern Polish town of Leczyca of torturing (beating) several political prisoners. In March a French citizen, Frederic Castaing, was detained by police in Krakow for 48 hours, accused of acting as a courier for Solidarity, and then given 48 hours to leave the country. Just after his release he was reportedly seized by three unidentified men, taken to an isolated location, tortured for several hours by burning with cigarettes, and then left near a hospital. In April in the same city, a Catholic priest with ties to the Solidarity movement, Father Tadeusz Zaleski, reported that he was attacked and gassed at home by a masked man and received second degree burns on his face, chest, and hands. The Government dismissed Father Zaleski's claim and

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implied that his wounds were self-inflicted; the Church has supported Father Zaleski's version. In December, Father Zaleski was again reportedly attacked, this time by two men and one woman, and had to be hospitalized with head injuries. Incidents of this nature are not likely to occur without secret police involvement.

Both the militia and the riot police have employed unwarranted force, such as beatings and the use of water cannon, against peaceful antigovernment demonstrators. As there have been fewer demonstrations in 1985, there have also been fewer reports of the use of excessive police force.

There were continuing reports of poor prison conditions for political prisoners and of some prisoners suffering from food poisoning or hepatitis as a result of eating the prison fare. Medical services reportedly were also poor at many prisons. Some prisoners have been furloughed in order to obtain necessary medical care.

Prisoners who engaged in hunger strikes, either to protest prison conditions or to gain governmental recognition as political prisoners, have been subjected to force-feeding by prison authorities, sometimes administered so ineptly as to cause injury.

d. Arbitrary Arrest, Detention, or Exile

Polish law allows for a 48-hour detention period before the authorities have to bring formal charges. Certain categories of offenses may actually be tried within 48 hours of arrest under special, accelerated procedures, whose use was greatly enlarged under legislation passed in May 1985. Other suspects, after the presentation of the legal basis for formal investigation, may be held in indefinite "investigatory" or "temporary" arrest. During this period there is no guarantee of access to a lawyer. Once a formal indictment is filed, the defendant is allowed ample time to study the charges in consultation with an attorney of his or her choice. A trial date is set only after the defendant expresses readiness. Legal provisions for bail are rarely used, but suspects, as well as those already convicted, are sometimes furloughed for humanitarian reasons.

Polish law does not contain any provision for forced exile.

Under 1983 legislation, individuals who are registered as unemployed and who refuse to seek employment without adequate justification can be listed as "habitual parasites" and compelled to accept specific employment, usually street cleaning, park maintenance or garbage collection, under threat of penal sanction. To date application of the law does not suggest it is intended as a means of political coercion or education, as an additional sanction against the free expression of political or ideological opinions, or as a means of racial or social discrimination. Penal sanctions under this law are rare. In August wide publicity was given to the case of a man in Szczecin fined roughly \$2,000, or more than 1 year's average income, for refusing persistently to accept a job as garbage collector.

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e. Denial of Fair Public Trial

Amendments to the Penal Code enacted by the Sejm (Parliament) in May 1985 and put into effect on July 1, ostensibly to assure the speedy hearing of certain accusations, have greatly enlarged the application of special accelerated trial procedures that severely limit the rights of defendants. In such summary trials, charges are made by the police rather than the prosecution, and the defendants are not given an opportunity to choose an attorney. The assigned public defender has little time to discuss the case with his client and no time to search for witnesses or for evidence of innocence since the defendant may be tried within 48 hours of arrest. These special courts, which earlier dealt with a narrow range of misdemeanor-type offenses, can now pronounce prison sentences of up to 3 years and a fine of about \$3,000 for some offenses. On October 16 a deputy minister of justice announced that some 20 percent of all penal charges were being heard under this "accelerated procedure."

During the trial of four officers of the security service for the murder of Father Popieluszko (see Section 1.a.), testimony about the possible involvement of senior government figures was censored from media coverage. Furthermore, the prosecutor's closing statement sharply attacked Father Popieluszko and the Catholic Church.

The trial of opposition activists Bogdan Lis, Adam Michnik, and Wladyslaw Frasyniuk during May and June in Gdansk was widely criticized for the "political" nature of the charges, for the conduct of the trial, and for the verdict. All three were arrested in a private meeting in Gdansk on February 13 at which the Government alleged that a token 15-minute strike in protest against price rises was being discussed. The charges against them were fomenting public unrest and participating in the activities of an illegal association (Solidarity's underground Temporary Coordinating Commission). The trial was closed to journalists, outside observers, and the general public. The court reportedly often prevented the defendants from addressing the charges against them and, on occasion, ordered them removed from the court for protesting violations of their rights or improper judicial procedure. The verdict, sentencing the defendants to terms of 2-1/2, 3, and 3-1/2 years was widely deplored.

During the course of 1985 the number of political prisoners rose continually according to official figures, from about 50 as the year began to a peak of over 360 in October. Throughout 1985 the spokesman of the Government reported frequently on the number of persons imprisoned or arrested for "noncriminal reasons." On October 22 he said that the figures included "282 persons held in investigative custody, 70 convicts, and 11 not embraced by the 1984 Amnesty Act--a total of 363 persons." By year's end the Government said about 200 prisoners had been released, leaving at least 160 still in custody. Human rights groups estimated that with continuing arrests, at least 200 people were still being held. They consider that the Government's figures do not include various political activists arrested or convicted on criminal charges. Many also decry the fact that the official figure includes the four secret police officers convicted for the murder of Father Popieluszko.

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f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Although government activities in Poland appear less intrusive than in other Warsaw Pact countries, it is generally assumed that mail and phone calls are selectively monitored. Overt censorship of the mail and announced monitoring of telephone calls ceased with the suspension of martial law. Packages to be mailed abroad must be assembled at the post office in the presence of a customs official or postal worker. The Government does not interfere with the right to marry or to have children as one chooses, nor does it prevent the teaching of religion to children at home or in churches. However, the Government often views as suspect the contacts of its citizens with foreigners and with domestic political opponents. Searches without warrant of homes and offices and confiscation of personal documents and property continue in Poland. Warrants are sometimes required under Polish law, although the circumstances under which the warrant requirement applies are ambiguous.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Although the Constitution provides for freedom of speech, this right has been systematically abridged. The freedom to express one's opinion in a coffeehouse conversation is generally tolerated, while the freedom to distribute opposition pamphlets or deliver a controversial speech in a public place is not.

One example of freedom of expression is the monthly "Mass for the Fatherland" held in the church of St. Stanislaw Kostka where Father Popieluszko used to preach (see Section 1.a.). Attendance at the Mass is regarded as a way of expressing support for the Catholic Church, Father Popieluszko's work, and the ideals of the Solidarity trade union movement.

Official censorship of all media exists as part of the authorities' control mechanism. Censorship in Poland generally assumes one of three basic forms. First, there is self-censorship. Many articles are consciously or unconsciously self-censored by their authors before being submitted, more often to increase the chances for publication than to avoid specific reprisals. Second, editors of state-run media may kill an article or program entirely, if they feel its content is too controversial. Controversial articles or programs which do appear are often the result of prolonged bargaining with editors and censors. Finally, there is the government censorship apparatus. It is frequently impossible to detect the impact of the formal censorship process in state-controlled media, but such publications as the Catholic weekly, Tygodnik Powszechny, and the monthly of the Catholic intelligentsia clubs, Wiesz, indicate to their readers, in brackets, where the censors have deleted material and which particular provision of the censorship laws has been invoked.

The vast majority of newspapers and journals are state-owned and operated, as are publishing houses, television channels, and radio stations. While the state-owned press follows the approved government line on all essential issues, it does provide a forum for debate on certain domestic issues and even

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on some foreign policy questions. This is usually a debate of nuance rather than of fundamental principles, goals, or policies. The major national dailies are closely identified with elements of the ruling elite (e.g., the Communist Party, the government apparatus, and the armed forces), and the distinct interests of each can often be detected in its paper's columns. In addition, long articles, essays, and columns in various weeklies present contending views on such matters as economic and administrative reform, public policy and cadre matters, the nature and extent of "national reconciliation", and the role of the Church and labor unions.

Despite censorship, Poland may still have the least controlled official press (as distinct from the more tightly run electronic media) of all Warsaw Pact countries. In addition, some nongovernmental publications like *Tygodnik Powszechny* offer a true alternative voice to the government-run media, although their circulation and impact are limited by government restrictions on newsprint and by censorship. There is also an active underground press, chiefly reflecting the views of the banned Solidarity trade union and its supporters. It publishes weekly newspapers, periodicals, and books despite government efforts to stamp it out.

Amendments adopted in July 1985 to the 1982 higher education law empower local and national authorities to increase substantially their control over universities and other college-level institutions which could significantly increase the curbs on freedom of inquiry. The changes in the law provide for the vetting of all candidates for rectorships by the Minister of Higher Education for a greater degree of direct government involvement in university operations, and for strict limitations on the role of university senates and student self-government. The 1985 amendments legislate the composition of university senates, reserving seats for party and other official representatives and senior faculty, while limiting representation for younger faculty, "nonscientific" university employees, and students. In late 1985 over 70 rectors, deans, and department chairmen were dismissed from their administrative positions in order to ensure tighter government control.

b. Freedom of Peaceful Assembly and Association

Freedom of peaceful assembly and association remain restricted in Poland. Public meetings and rallies require official sponsorship or permission, and permission is not granted for meetings of opposition groups such as Solidarity. Unauthorized protest meetings and demonstrations continued to occur in 1985, but with less participation than in the martial law period. Small gatherings, usually of students or workers, take place in private homes for the purpose of participating in "free university" courses and seminars on Polish history, sociology, economics, and other subjects. The authorities have generally not interfered with these meetings.

A "law on foundations," enacted in spring 1984, established a judicial basis for the formation of private, nonprofit institutions to conduct certain charitable, social, and health-related activities. The Roman Catholic Church and Government representatives continued to discuss details of the proposed church-sponsored foundation to assist Polish private farmers. Discussions are also under way with the Rockefeller

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Brothers Foundation on a program to assist Polish agriculture and to promote export earnings.

Associations or clubs need either official permission or sponsorship. Since the end of martial law, some organizations, notably Catholic intelligentsia clubs, have been permitted to resume activities. About 40 such clubs exist throughout the country.

Professional associations, such as the writers' union, were disbanded under martial law and replaced by organizations more subservient to the Government. These associations must be registered with the courts, which in some cases have refused to grant legal recognition to an association or union, because its charter did not conform to legal requirements.

A 1982 Trade Union law outlawed Solidarity and other labor unions and provided for the formation of new government-controlled unions. A few unions were organized under the new law at the enterprise level (factory or shop) in 1983, and industry-wide occupational federations (e.g., of steelworkers' unions) were formed in 1984. Following a national congress in late November 1984, organizers proclaimed the formation of the national alliance of trade unions or OPZZ. Formal legal registration of the new union confederation followed quickly. The OPZZ has joined the Communist-dominated World Federation of Trade Unions.

Additional national meetings and organizational activities of the OPZZ took place throughout 1985. The OPZZ played a well-publicized role in government-sponsored public consultations, first on the national economic plan and later on the related issues of food price increases and rationing. In both cases the alliance took public positions critical of elements of government policy and declared its intention to be a "troublesome partner" of the Government in vigorously defending workers' interests, especially on bread and butter issues.

During the spring, the OPZZ participated in a government-established commission to amend the 1982 law. The resulting amendments, approved by the Sejm (Parliament) during the summer, gave the OPZZ greater power to distribute such fringe benefits as allocation of spaces in factory-owned vacation resorts, priority in purchasing apartments, and permits to buy cars, household furnishings, appliances, and other items in relatively short supply on the market. Significantly, the amendments also postponed indefinitely any reintroduction of union pluralism.

In a separate action, the Government formally transferred to the OPZZ the offices, equipment, and financial assets of Solidarity and other pre-1982 unions. The authorities have recently brought a court action against the former Solidarity leader in Wroclaw, Jozef Pinior, who had retained the fund of union dues that had belonged to his Solidarity region before martial law and refused to acknowledge the legitimacy of the new unions.

According to official statements, the OPZZ has a membership of some 5.5 million. The official Polish press agency reported on August 27 that 60 percent of the members, or about 3.3 million, are active workers (the Solidarity trade union in the premartial law period had nearly 10 million members). The

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non-rural work force is estimated to total about 15 million. Although Solidarity has not had legal status since the 1982 Trade Union Act, some factory-level Solidarity organizations continue to carry out informational, educational, and self-help activities among workers and their families on a local level.

Previous involvement in Solidarity activities deters management from hiring an applicant, thus curtailing both worker mobility and possibilities for union activity. Workers continue to be dismissed from their jobs because of previous or continued support of Solidarity. This has affected, in particular, ex-internees or political prisoners who have been released.

The right to strike exists by law, but it is severely limited. Those who, in the opinion of the authorities, abuse the right are subject to criminal punishment. Unofficial observers believe that local unauthorized strikes occurred frequently in 1985. Most of these actions concerned local issues and were settled quickly through conciliatory actions by management. There are reports, however, that the organizers of unauthorized strikes sometimes suffer subsequent discrimination. Political activity by trade unions is specifically forbidden by law, and the Government can broadly interpret what is considered "political." The right to collective bargaining for wages and improved working conditions has been considerably restricted since the suspension and subsequent prohibition of Solidarity. The Government acknowledged in October 1985 that factory managements have "failed to create conditions for trade unions to fulfill the role of co-manager."

c. Freedom of Religion

The Constitution guarantees "freedom of conscience and belief," and Polish citizens, both in law and fact, enjoy considerable freedom to practice their religion. However, party authorities discourage the open practice of religion. The Church has criticized a new campaign for propagating atheism in the schools.

Poland is overwhelmingly Roman Catholic; the Catholic Church maintains over 3,300 churches, schools, and other institutions. Seminaries train large numbers of priests, and many religious orders are represented. The Catholic Church publishes significant numbers of books and periodicals, as does the independent Catholic press. Sunday Mass is broadcast over Polish radio under a provision of the 1980 Gdansk Accords that is still observed. The Catholic University of Lublin remains the only university in Eastern Europe under private control.

Relations between the Government and the Roman Catholic Church have been strained, particularly so following the 1984 murder of human rights activist Father Jerzy Popieluszko. The Bishops' Conference protested the conduct and official press coverage of the trial of his accused assailants, as well as press attacks on Pope John Paul II. An April incident in which a priest claimed he had been attacked and tortured added further tension. Efforts to establish a church-administered foundation to aid private agriculture continued to meet official obstacles. A June meeting between General Jaruzelski and Cardinal Glemp, the Polish Primate, appeared to do little

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to resolve church-state issues. But discussions take place frequently at various levels. The Primate and the Episcopate as a whole, as well as individual clergy and Catholic lay leaders, continue to campaign vigorously for greater individual freedom and respect for human rights.

There is no official discrimination against minority religions. The Orthodox, Muslim, and Jewish faiths and the various Protestant denominations sometimes find it difficult to maintain their places of worship and train their clergy. Their representatives cite limited financial resources, some traditional prejudices, and widely dispersed congregations as the chief reasons for their difficulties. Protestant services are also broadcast on Sundays over Polish radio.

d. Freedom of Movement within the Country, Foreign Travel, Emigration and Repatriation

There are no restrictions on travel within Poland. There are no legal restrictions on changing one's residence, but the housing shortage makes this nearly impossible in practice. Cases of persons working in one location and legally "residing" hundreds of kilometers away are not uncommon.

The 1983 law on the liberalized issuance of passports for travel abroad continues to be applied flexibly. Actual denials of passport applications are not numerous but do occur. Denials are most often received by persons working in areas of scientific research or industry considered "sensitive" by the Government. Several prominent dissidents have been denied passports for visits abroad; many others have declined to apply for passports, fearing that, once out of Poland, they would be denied the right to return.

In order to receive an emigration passport, Poles must divest themselves of all real property and obtain customs permission for any personal items they wish to take. Although most applicants for emigration passports eventually obtain them, certain cases appear to require an unduly lengthy waiting period. While a few Solidarity members, formerly interned or jailed because of their activity, have been denied passports when seeking to relocate to another country, many others have been encouraged to leave, as the Government tries to rid the country of persons it views as "troublesome." Once residing abroad, a Polish citizen must exchange an emigration passport for a consular passport (one issued by a Polish Consulate abroad) for return trips to Poland. Otherwise there are no formal restrictions on an emigrant's return to Poland.

Only Polish citizens who have been issued emigration passports are legally permitted to take up residence in another country. Polish citizens who leave Poland on tourist passports and take up residence abroad without the permission of the Polish Government may, should they return to Poland for a temporary stay, experience difficulties departing again. Polish citizens who emigrate legally from Poland, and who desire to return for brief visits on consular passports, generally experience few difficulties with the authorities.

Under Polish citizenship law, only the Council of State may revoke citizenship. According to the law, involuntary revocation must be based on one of the following activities: actions violating the duty of allegiance to the Polish State; actions detrimental to the substantial interests of Poland;

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departure from Poland after May 9, 1945, and failure to return when so requested by the Polish Government; evasion of military service; or conviction abroad of a crime also recognized as a felony under Polish criminal law. The Government recently used this prerogative in revoking the citizenship of two former ambassadors who defected to the United States, as well as the citizenship of a Polish journalist now working for Radio Free Europe.

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

Poland is ruled by the PUWP, or Communist Party, through General Jaruzelski who, with a small group of advisers, determines national policy goals. They implement policy through the government ministries and through a parallel party bureaucracy which complements and interacts with the ministries. Unlike elsewhere in Eastern Europe, the party is not always clearly the dominating force. Various economic ministries, as well as the military and security services often play key roles, not only in exercising power but also sometimes in setting policies. The two other coalition partners, the United Peasants Party and the Democratic Party, continue to be responsive to PUWP guidance as is the Patriotic Movement for National Rebirth, an umbrella group of political, economic, and social organizations that cooperates with the authorities.

The Constitution specifies that the Sejm (Parliament) is the chief legislative body of Poland. The Sejm can be counted on to pass, nearly unanimously, any legislation that the Prime Minister and the relevant bureaucracies believe is necessary. Nevertheless, when the authorities seemed undecided or divided during 1985, deputies in the Sejm were on occasion able to modify proposed legislation, especially in behind-the-scenes committee sessions.

National parliamentary elections were held in October 1985. After wide-ranging debate on possible democratic reforms, including an open nomination procedure and mandatory use of the voting booth, the PUWP decided, nevertheless, to keep all crucial controls in its hands. In addition to 50 uncontested seats, which included Jaruzelski, most of his closest advisers, and other leaders, 2 candidates, each of the same party or grouping, were nominated to vie for each of the other 410 seats in the Sejm. The PUWP maintained its nominal majority in the Sejm. Although the number of nonparty deputies rose from 49 to 74, many were identified with the Jaruzelski regime. Several critical voices from the previous Sejm were not renominated.

According to the Government, more than 78 percent of eligible voters went to the polls, up from the 75 percent turnout it claimed in the 1984 local elections. The opposition, claimed that the turnout was only about 66 percent. The Government is bringing charges against Solidarity leader Lech Walesa on the grounds of having slandered the State in presenting Solidarity's figures for the election.

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

Although the Government signed the Final Act of the Conference on Security and Cooperation in Europe, it generally maintains that international inquiries into the human rights situation in Poland constitute interference in Poland's internal affairs. This attitude was evident throughout the International Labor Organization's (ILO) investigation of violations of international labor standards in Poland. The report of the ILO's commission of inquiry, published in June 1984, noted that the Polish Government "systematically abstained from participating in the procedure and from replying to the various communications addressed to it concerning the complaint." The ILO found that "the basic objection advanced by the Government of Poland to justify its attitude of non-cooperation was...that the procedure of the complaint constituted interference in Poland's internal affairs." The ILO found the Government's objection "devoid of any legal validity." After the ILO governing body voted in November 1984 to note the commission's report, thereby turning the case over to the ILO's normal executive machinery, Poland announced its intention to withdraw from the ILO.

The Government has also not cooperated in the implementation of a 1983 resolution of the United Nations Human Rights Commission requesting the Secretary General or his designee to update and complete a comprehensive study of the human rights situation in Poland. The Government refused to allow the Secretary General's special representative to visit Poland in preparation of his report.

Domestic human rights organizations are not officially allowed in Poland. The Polish Helsinki Committee, which operates anonymously, issues reports from time to time on the human rights situation in Poland. Following the murder of Father Popieluszko, groups of prominent intellectuals and social activists undertook to form several open committees on human rights, generally known by the Polish acronym "KOPP." The Government declared such organizations illegal and warned foreign news correspondents that they risked prosecution if they attended news conferences called by such committees. Many KOPP members have been questioned by the police regarding their activities; several have been fined or given short jail sentences. In June human rights activist Jan Kostecki was sentenced to 2 years in prison for his activities as deputy chairman of the regional KOPP in Szczecin. Underground Solidarity publications also call attention to reports of human rights violations. Several score individuals were arrested during 1985 for alleged participation in illegal publication, distribution, or broadcasting activities. In October, two persons received sentences under summary procedures of 3 years' and 2-1/2 years' imprisonment for unauthorized possession of broadcasting equipment.

The Catholic Church has actively employed its influence and moral authority to protect the persecuted and increase respect for human rights. The Primate's Aid Committee for Political Prisoners is one example of this activity.

In its 1985 Report (covering the year 1984), Amnesty International expressed concern about the arrest and detention of hundreds of prisoners of conscience, allegations of

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ill-treatment and torture of political prisoners, and unexplained deaths of political activists. Freedom House rated Poland "partly free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Poland's population in 1985, according to World Bank figures, was 37,233,000, and the growth rate was 0.8 percent. The modest Polish economic recovery of 1983 and 1984 has slowed in 1985. Per capita income remains about on the level of 1973, and there are few prospects for rapid recovery.

In 1985, market supplies continued their gradual improvement, reflecting increased production as well as price rises for farmers. While rationing has been lifted on such basic food items as flour, butter, sugar, and animal fats, it continues on meat and a few nonstaples, as well as on gasoline. At the same time, the limited availability of unrationed consumer items, including consumer durables, still forces consumers either to spend hours in queues or to rely on the black market. For persons with access to hard currency, however, the market situation is entirely different; the Government maintains a chain of special stores, where a wide range of foreign-produced consumer items can be purchased by anyone with hard currency. For those without direct access to hard currency, it can be obtained illegally for four to five times the official rate.

The Government remains formally committed to an economic reform program, aimed at decentralizing the economy and giving Poland's alienated work force a greater voice in economic decisionmaking. Given the obstacles posed by a reluctant bureaucracy and by the need to manage a struggling economy, the Government in 1985 made very limited progress in implementing the reforms and in increasing the role of market forces.

Poland's primary education system reaches virtually the entire population, with 99 percent of the school age population enrolled. Literacy is almost universal. Poland has a wide-scale system of primary rural health care, although access to safe drinking water for the rural population (and in many urban centers as well) remains a problem. Life expectancy at birth is 72.4 years, and the infant mortality rate is 18.1 per 1,000 live births. Although private construction of homes in the countryside is active, state and cooperative housing continues in short supply, especially in urban areas where the average waiting time for such housing is about 15 years.

Culturally, Poland maintains a greater degree of openness in art, the theater, music, and dance than is common in eastern Europe. Political messages are frequently not very far beneath the surface of Polish theater and film productions. Cultural life in homes and churches in Poland is very active.

The Polish labor code generally forbids the employment of a person who has not reached the age of 15. The employment of a "young person," defined as aged 15 through 18, is permitted, provided the individual has completed basic schooling. Special exceptions are sometimes required if a particular work might pose a health danger. The labor code specifies that a "young person" without professional qualification may be

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employed only for the purpose of vocational preparation, although again there is provision for special exceptions.

The length and distribution of hours of work is regulated by the Polish labor code in accordance with internationally accepted standards. Paid annual holidays are provided for. In practice, most families find that both husband and wife must be employed in order to sustain an acceptable standard of living. Minimum conditions for the protection of worker health and safety spelled out in the Polish labor code seem, in most respects, to meet the international norm. Poland, however, suffers serious environmental pollution problems, some of which particularly affect worker health. There are frequent allegations that some plants fail to maintain government-regulated worker health and safety standards, and the official media occasionally publicize such cases.

Women's rights have not become a public issue in Poland. Historical circumstances, including World War II losses, helped open access for women into many previously closed professions. Women work in all blue-collar trades, except for heavy mining and steel, and in all professional fields. Compared to their presence in the work force, however, only a small proportion of women are found in the higher levels of local and national government.

Poland has a liberal maternity and child care leave policy dating from the Solidarity-inspired Gdansk Accords. Women are entitled to 4 months of paid maternity leave and may then opt for up to 3 years of unpaid child care leave, after which they are guaranteed a job at the same level of pay. Such a policy has obvious social benefits in terms of child-rearing and strengthening of the family; it also takes pressure off Poland's day-care system for young children.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: POLAND

	1983	1984	1985	

I.ECON. ASSIST.-TOTAL...	24.8	20.9	13.8	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	24.8	20.9	13.8	
A.AID	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0	
B.FOOD FOR PEACE.....	24.8	20.9	13.8	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	24.8	20.9	13.8	
TITLE I-TOTAL.....	0.0	0.0	0.0	
REPAY. IN \$-LOANS.....	0.0	0.0	0.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	24.8	20.9	13.8	
E.RELIEF.EC.DEV & WFP.....	0.0	0.0	0.0	
VOL.RELIEF AGENCY.....	24.8	20.9	13.8	
C.OTHER ECON. ASSIST...	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
PEACE CORPS.....	0.0	0.0	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
A.MAP GRANTS.....	0.0	0.0	0.0	
B.CREDIT FINANCING....	0.0	0.0	0.0	
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0	
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E.OTHER GRANTS.....	0.0	0.0	0.0	
III.TOTAL ECON. & MIL...	24.8	20.9	13.8	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	24.8	20.9	13.8	

OTHER US LOANS.....	0.0	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	0.0	0.0	

ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	1946-85

TOTAL.....	1.2	0.9	0.0	24.2
IBRD	0.0	0.0	0.0	0.0
IFC	0.0	0.0	0.0	0.0
IDA	0.0	0.0	0.0	0.0
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFOB	0.0	0.0	0.0	0.0
UNDP	1.2	0.9	0.0	21.8
OTHER-UN	0.0	0.0	0.0	2.4
EEC	0.0	0.0	0.0	0.0

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Since Portugal's transition from authoritarian to democratic rule in 1974, vigorous democratic institutions have been established, and Portugal today enjoys a pluralistic, multiparty, parliamentary democracy with broad popular legitimacy. The President and deputies to the Assembly of the Republic are freely elected by the people. The Government is appointed by the President and is dependent upon the support of the Assembly.

Portuguese democracy was consolidated in 1982 with a revision of the Constitution which reinforced the guarantees of civil liberties contained in the 1976 Constitution and which provides for a more open economy. Nationalizations and agrarian reform shortly after the 1974 revolution established the primary role of the State in certain areas of commerce, industry, and agriculture. The Government in 1984 allowed the operation of certain private domestic banks as part of an economic reform program designed to open the nationalized banking and certain other sectors to competition from private enterprise.

In 1985 Portugal formally created its first civilian and military intelligence services since the abolition of the secret police in 1974. A number of terrorist attacks since 1983, involving both foreign and domestic organizations, convinced the Government that such services were necessary.

Terrorist actions, aimed primarily at Portuguese businessmen, and incidents at the U.S. Embassy and NATO installations have not altered the good human rights climate. Unsubstantiated charges have been made, however, that prison conditions for the 56 persons arrested for terrorist activity in June 1984 and tried in October 1985 are substandard. There are also occasional foreign and domestic complaints about lengthy delays in the handling of cases in Portuguese courts. There have been instances of the excessive use of force by the police, but these seem to reflect inadequate training rather than policy. Respect for civil and political rights, due process, and the integrity of the person are supported by the Government and reinforced by a free press. The state-owned national television network is alleged on occasion to have tailored its programming and news coverage in accord with political considerations, but opposing points of view can be and usually are aired.

RESPECT FOR HUMAN RIGHTS**Section 1 Respect for the Integrity of the Person, Including Freedom from:****a. Political Killing**

Government-sanctioned political killings do not occur in Portugal. A domestic ultraleftist terrorist group, the "Popular Forces of April 25" (FP-25, which refers to the revolution of April 25, 1974), has claimed responsibility for several murders, other armed attacks on Portuguese nationals, and numerous bombings and attempted bombings of industrial and other sites. This group also took responsibility for the July 1985 assassination of one of its own members who had agreed to testify against his former colleagues and had been provisionally released pending the trial of accused group members. The FP-25 began to target foreign installations for

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the first time in the autumn of 1984, using mortars to attack the U.S. Embassy, NATO ships at anchor in Lisbon harbor, NATO's Iberlant Command Headquarters, and an airbase in Beja district used by the Federal Republic of Germany. Despite FP-25's activity, Portugal continues otherwise to have a low level of violence.

b. Disappearance

The police, the armed forces, and other government agencies do not abduct or secretly arrest and detain individuals. In 1985, there were no terrorist abductions or hostage-takings by Portuguese opposition groups.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution forbids torture and the use of evidence obtained by torture in criminal proceedings. It also prohibits inhuman or degrading treatment or punishment, which is punishable by fine or imprisonment. A number of the FP-25 suspects apprehended and indicted in 1984 have engaged in periodic hunger strikes and other protests against prison conditions. Beyond these protests, no independent evidence in support of the alleged inadequacies has appeared. Ten prisoners accused of crimes associated with FP-25 activity escaped from Lisbon's main penitentiary in September 1985. A stricter regime was imposed on those accused remaining under detention.

d. Arbitrary Arrest, Detention, or Exile

No one can be held legally for more than 48 hours unless a prosecuting judge orders preventive detention, which may last a maximum of 4 months for each alleged crime. In some cases where persons have been detained longer than 48 hours on an order of preventive detention, defense lawyers have succeeded in protecting their clients' rights through legal means and publicity. Because of the cumbersome judicial system, preventive detention beyond the authorized 4 months and up to 6 to 9 months before trial is not unusual in the cases of individuals accused of serious crimes, such as murder or armed robbery. A large backlog of cases in the courts and vacant judgeships have caused delays. Judges are required to give priority to the cases of those under preventive detention.

Forced labor does not exist in Portugal. On February 1, 1985, the International Labor Organization (ILO), in response to a complaint filed by the General Confederation of Portuguese Workers (CGTP), criticized the failure of some Portuguese companies, which claimed economic distress, to pay salaries owed to their workers. The ILO report rejected the CGTP claim that the practice was a form of forced labor in violation of ILO Conventions 29 and 105 and accepted the Government's report outlining measures it was taking to combat the problem. The ILO did recommend that the Government impose sanctions against companies not paying salaries. It also said it was not enough for laws forbidding nonpayment of salaries to be on the books if effective penalties were not imposed. On July 30, the CGTP asserted that the number of workers with unpaid salaries had dropped from 130,000 to 109,000.

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e. Denial of Fair Public Trial

Portugal has an independent judiciary and a fair judicial system. All trials are public except those which may offend the dignity of the victim, such as cases involving the sexual abuse of children. The accused is presumed innocent until convicted. A public prosecutor develops the case against the accused. A prosecuting judge reviews the evidence and determines whether the accused should be detained or released on bail. A panel of three judges (which does not include the prosecuting judge) presides over cases which go to trial. A ministerial delegate assists the judges in reviewing the evidence. At the request of the accused, a jury may be used in trials for major crimes. The judges or jury renders the verdict. Sentence may be passed only in the presence of the defense attorney.

Foreign and domestic complaints continue to be made about the lengthy delays in the handling of cases in Portuguese courts. The European Court in Strasbourg in July 1984 found that Portugal had violated Article 6 of the European Convention on Human Rights, which provides that "every person has the right to have his case disposed of justly and publicly within a reasonable time." The Portuguese chapter of the International Commission of Jurists, the main local human rights watchdog organization, is becoming increasingly concerned about this problem.

There are no political prisoners, although some elements of the extreme left often claim that persons who have been sentenced to prison for violent acts, conspiracy, or incitement to violence are, in fact, political prisoners. Some foreign and domestic groups have charged that the accused FP-25 members, particularly Otelo Saraiva De Carvalho, one of the leaders of the 1974 revolution, are political prisoners. There appears to be substantial evidence, however, for the criminal charges brought in these cases.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

No cases of governmental interference with the privacy of the individual were reported in 1985. The Government does not tamper with private correspondence or telephones. The Constitution forbids forced entry into homes and searches without a judicial warrant. In addition, entry into an individual's home at night requires his consent.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Freedom of speech and press is guaranteed by the Constitution and respected by the Government. The constitutionally mandated Council of Social Communication, the members of which are elected by the Assembly, acts as a watchdog to protect freedom of speech and access to the media. It publicizes abuses, makes recommendations to the Assembly, and has enforcement powers (which have never been exercised). The opposition is free to voice its point of view, and the Government tolerates criticism with two restrictions:

First, "Fascist" organizations and activities, including discussions of corporativism, are prohibited by the so-called

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"anti-Fascist" law of June 1978. Violators are liable to imprisonment for from 2 to 8 years. In practice, both politicians associated with the former regime and the "Force of Popular Unity", charged with being the political front group for the terrorist organization FP-25, participated in political activities preceding the legislative elections of October 6, 1985.

Second, anyone convicted of "insulting" civil or military bodies or the President of the Republic, if the "insult" was deemed intended to undermine the rule of law, may be imprisoned for 3 years. There were no prosecutions for "insult" in 1985.

Although the Government indirectly subsidizes the press (through its nationalization of the banks to which the press is indebted), it does not control editorial content, and the entire political spectrum is represented. The two television channels and most radio stations are owned by the State. The Government appoints their administrators, who are usually replaced when new governments take office. In principle, the Government should not influence television and radio policies or reporting decisions. In practice, it usually does so indirectly through its power of appointment.

Opposition parties sometimes charge that television or radio ignores or distorts their views and activities. In the preelection period those charges became a campaign issue as the Government was accused of manipulating television coverage to favor the Socialist Party. However, political parties, trade unions, and other organizations have a right to periodic access to exclusive television time after the evening news. The Communist Party and the unions use it vigorously.

b. Freedom of Peaceful Assembly and Association

Individuals have the right, in law and practice, to associate formally or informally, to promote nonviolent causes, and to protest government policies. Formation of a political party requires 5,000 subscribers. The new Party of Democratic Renewal acquired formal legal status in 1985 after having presented the required number of signatures to the appropriate authorities. Public meetings or protests require 24-hour advance notice to the civil governor of the area involved. Permission is routinely granted.

Workers have the constitutional right to set up unions by profession or industry. Collective bargaining is guaranteed by law and practiced in both the public and private sectors. Such issues as wage levels, working conditions, pay grades, and fringe benefits are regularly the subject of collective bargaining. Strikes are permitted for any, including political, reasons. Approximately 45 percent of the workers are unionized. Unions are free of governmental control but closely associated with political parties.

There are two labor federations. One, the General Confederation of Portuguese Workers (CGTP), is controlled by the Communist Party and is active in Communist-sponsored causes. The other, the General Union of Workers (UGT), is a pluralist democratic union affiliated with the International Confederation of Free Trade Unions and the European Trade Union Congress. Its leadership is associated with the Socialist and Social Democratic parties, and several members

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have been elected to the Assembly. Since both federations want to represent Portugal in the International Labor Organization, the Minister of Labor has decided that each will do so in alternate years.

c. Freedom of Religion

There is no state religion in Portugal, and the Government does not interfere with the free practice of religion, including missionary work and religious publishing. Organized religions may freely establish places of worship, train their clergy, proselytize, and convert. In order to qualify as a tax-exempt institution, an organized religion must legally establish itself as a nonprofit, private society.

The prevailing religion is Roman Catholicism. Catholic religious instruction is offered as an elective in the public schools. Pursuit of a civil, military, professional, or political career does not depend on adherence to a particular creed.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution guarantees freedom of movement, foreign travel, and emigration. There are no formal restraints on domestic travel, on the right of a citizen to change residence or place of employment, or on emigration. However, currency restrictions, resulting from a chronic balance of payments problem, in practice impose some limitations on foreign travel. Emigrants and those who travel abroad are free to return. Citizenship is not revoked for political reasons.

An 1980 law established a humane refugee program. Displaced persons who qualify as refugees under the technical definition established by the United Nations are given permanent resident status and allowed to work. In practice, displaced persons are not forced to return to the land from which they fled or in which they fear persecution.

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

The President and the Assembly are elected by secret ballot and universal adult suffrage under a democratic system. Opposition parties and candidates operate freely and enjoy access to the media. Only "Fascist" organizations are outlawed. General elections for the Assembly are held at least every 4 years. The President has a 5-year mandate and may serve no more than two consecutive terms.

The population is overwhelmingly European and ethnically homogeneous. There is a small African minority, most of which emigrated to Portugal when the former African colonies won their independence following the 1974 revolution. There are no legal restrictions on political activity by Portuguese of African heritage.

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

Portugal has cooperated with independent outside investigations of human rights conditions and actively

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participates in the monitoring of human rights by the Council of Europe. Amnesty International and other private international human rights groups operate freely in Portugal. The most important domestic human rights group is the Portuguese section of the International Commission of Jurists, which considers the human rights situation in Portugal to be, "on the whole, positive and satisfactory." Amnesty International did not mention Portugal in its 1985 Report. Freedom House rated Portugal "free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

According to World Bank data, Portugal's population is 10,046,000, and the per capita gross national product is \$2,230. A worsening of the economic situation, including deficits in both balance of payments and domestic budget, has forced the Government to reduce its subsidies of basic food and agricultural commodities. Portugal imports about 60 percent of its food needs.

In theory, food, shelter, health care, and education are available to all inhabitants regardless of race, religion, sex, ethnic background, or political opinion. In practice, many still suffer from an inadequate diet, inferior housing, poor quality and frequently unavailable health care, and substandard education. Life expectancy at birth is 71.7 years, and the infant mortality rate is 17.6 per 1,000 live births.

The Government has instituted a large-scale school construction program to improve educational opportunities. New regional colleges are spreading higher education beyond the traditional centers of Coimbra, Lisbon, and Oporto. Despite these encouraging advances, illiteracy is still about 20 percent. A shortage of buildings and teachers makes it impossible for all children of primary school age to attend classes, and the quality of personnel and facilities is frequently substandard.

Child labor in industry is not a problem in Portugal. To combat school drop-out rates, the Government in 1984 enacted an apprentice program for youths between the ages of 14 and 24. The Government has said that "thousands" of youth leave school annually without graduating. Given the high proportion of the population engaged in agriculture and other traditional work sectors, it is likely that large numbers of youth leave school prior to graduation to work on family farms or at traditional trades.

A national monthly minimum wage for full-time workers was first established in Portugal in 1974. Minimum wages for rural workers and domestic employees were legislatively established in 1977 and 1978 respectively. In every year since then, with the exception of 1982, minimum wages were adjusted upward. Workers are required by law to be granted an individual written work contract which must include their professional category and salary, the work site, the starting date, and, in the case of temporary workers, the duration of the contract.

Legislation limits hours of work to 8 hours daily and 48 hours per week. Overtime is limited to 2 hours per work period and up to 120 hours per year. Work on a normal day off is restricted to 8 hours. These limits are respected in practice.

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On May 24, 1985, the Government notified the ILO that it had ratified Convention 95 on conditions of security, health, and environment in the workplace. Ratification followed an ILO visit designed to advise Portugal on changes needed to comply with the Convention.

The Civil Code guarantees full legal equality to women in accordance with the Constitution. Women play an active role in the political parties but remain underrepresented in party and government leadership positions. In 1979 a woman served as Prime Minister, and the current Minister of Health is a woman. Women are gradually increasing their representation in business, government, and the professions. Traditional attitudes of male dominance persist in most areas but are slowly changing.

U.S. OVERSEAS - LOANS AND GRANTS - OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S. FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: PORTUGAL	1983	1984	1985	
I. ECON. ASSIST.-TOTAL...	20.0	40.0	80.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	20.0	40.0	80.0	
A. AID	20.0	40.0	80.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	20.0	40.0	80.0	
(SEC. SUPP. ASSIST.)...	20.0	40.0	80.0	
B. FOOD FOR PEACE.....	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
TITLE I-TOTAL.....	0.0	0.0	0.0	
REPAY. IN 3-LOANS.....	0.0	0.0	0.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	0.0	0.0	0.0	
E. RELIEF. EC. DEV & WFP.	0.0	0.0	0.0	
VOL. RELIEF AGENCY.....	0.0	0.0	0.0	
C. OTHER ECON. ASSIST...	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
PEACE CORPS.....	0.0	0.0	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II. MIL. ASSIST.-TOTAL...	111.2	107.9	128.0	
LOANS.....	52.5	45.0	55.0	
GRANTS.....	58.7	62.9	73.0	
A. MAP GRANTS.....	56.6	60.0	70.0	
B. CREDIT FINANCING....	52.5	45.0	55.0	
C. INTL MIL. ED. TRNG...	2.1	2.9	3.0	
D. TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E. OTHER GRANTS.....	0.0	0.0	0.0	
III. TOTAL ECON. & MIL...	131.2	147.9	208.0	
LOANS.....	52.5	45.0	55.0	
GRANTS.....	78.7	102.9	153.0	
OTHER US LOANS.....	0.0	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	0.0	0.0	
ASSISTANCE FROM INTERNATIONAL AGENCIES	1983	1984	1985	1946-85
TOTAL.....	248.0	172.3	146.2	1736.4
IBRD	166.7	72.6	66.0	1081.8
IFC	0.3	14.5	0.2	26.2
IDA	0.0	0.0	0.0	0.0
IDB	0.0	0.0	0.0	0.0
AIB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	1.0	0.2	0.0	3.2
OTHER-UN	0.0	0.0	0.0	0.2
EEC	80.0	85.0	80.0	625.0

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Romania is a highly centralized Communist state. The Romanian Communist Party, led since 1965 by President Nicolae Ceausescu, is constitutionally described as "the leading political force in the whole of society." Through the Government, the party seeks to control every significant aspect of the country's life. In practice, an imperfect bureaucratic system leaves varying degrees of latitude to local officials to carry out central directives as well as to abuse their powers in violation of constitutional rights. Almost all aspects of life proceed within narrow bounds defined by the party and its leader. Political dissent is not tolerated. Criticism of the regime and its policies is suppressed by the ubiquitous Department of State Security (DDS).

Continuing its policy of repaying its foreign debt obligations as soon as possible, Romania in 1985 made strenuous efforts to increase productivity and conserve energy and raw materials. Severe weather during the winter of 1984-1985 aggravated the domestic economic situation and increased consumer hardships. Food shortages were more pronounced in 1985. Energy conservation measures included government-sanctioned fuel and power stoppages to nonindustrial and some industrial consumers. Many homes in Bucharest and elsewhere were without heat or cooking gas. There has been generally milder weather so far in the winter of 1985-86, but hardships have continued. Many basic foodstuffs are still rationed. The supply of other items not universally rationed, such as meat, has decreased and at times has been unavailable.

In the area of human rights, major discrepancies exist between generally accepted standards, for example as embodied in the Helsinki Final Act of the Conference on Security and Cooperation in Europe, and Romanian practice. Though many rights are guaranteed by the Romanian Constitution, both that document and Romanian law impose party control or set standards so vague as to make guarantees meaningless. The party, through the Government, continues to restrict and control the right to free speech, free assembly and association, and the practice of one's religion.

In 1985 the Government took several significant human rights steps, which included freeing a celebrated "prisoner of conscience" and permitting or facilitating both private and official factfinding visits by U.S. religious activists to Romania. Numerous American religious travelers reported that they were able to visit persons and places of their choosing, although they or their contacts may have been closely questioned by authorities. In early fall, Rev. Billy Graham spent 10 days in Romania and, with government monitoring throughout his tour, preached to crowds totaling over 110,000.

In 1985 the Government continued its "principled opposition" to emigration. Nevertheless, 1985 departures for the United States, Israel, and the Federal Republic of Germany totaled 17,312, mainly under the rubric of "family reunification." Serious problems remain with respect to emigration procedures. Departure--whether for purposes of emigration, family reunification, or binational marriage--is strongly discouraged by complicated, slow-moving procedures and coercive tactics. Potential emigrants often wait several years after applying before receiving exit permits. During this period, reductions

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in job status, dismissals from universities, and other sanctions are common.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There have been no substantiated reports of political killings in Romania during 1985. In November, a detainee died while in pretrial custody. Romania officials attributed the death to complications following surgery for a serious medical problem. Other sources have expressed concern that the prisoner had suffered beatings at the hands of the police, which may have led to his death. Amnesty International reported the death of a Romanian convict but gave no cause of death.

b. Disappearance

There have been no substantiated reports of politically motivated disappearances during 1985. Several sources, however, have reported disappearances in circumstances which seem clearly to indicate that those who disappeared were in police custody; the authorities denied this (see Section 1d).

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

In 1985 there have been a number of credible reports of torture. A Roman Catholic priest in western Romania was so severely beaten by DSS functionaries that he temporarily lost the use of his hands. A leading member of a religious group under heavy pressure from local authorities reportedly was detained and beaten over a period of some 16 hours, frequently losing consciousness. After release, the victim was examined by a physician and reportedly found to have suffered extensive internal injury. Amnesty International reported that in late 1984 a Baptist was arrested on suspicion of helping a relative emigrate illegally. The DSS searched his apartment and found religious literature. Amnesty International reported that while in detention the victim was hung by his wrists and beaten.

Romanian authorities reportedly also use physical and mental degradation to intimidate those caught or suspected of wrongdoing. Persons detained for questioning are often kept for long periods without sleep, food, or toilet facilities, as well as being held incommunicado. Numerous reports say those caught attempting to leave the country illegally, for example, are subject to extreme physical and mental harassment, often prior to being given only relatively light sentences if they are first offenders. Prisoners also report that, in the case of those who have received long sentences for political offenses, wives are sometimes pressured to divorce their spouses.

In its 1985 Report (covering the year 1984), Amnesty International stated that "prison conditions under which prisoners of conscience were held were reported to be harsh, with poor food, hygiene and medical care." The report claimed that, at the Calea Rahovei prison in Bucharest, prisoners were

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"shackled with handcuffs and leg-irons to a ring fixed into a concrete pyramid, approximately 40 centimetres high, in such a way that it was only possible for the prisoner to squat."

Among numerous other reports of cruel, inhuman, or degrading treatment, the most common complaints concern cells which are badly ventilated and poorly heated, bad food in extremely small quantities, difficult working conditions, long periods of isolation, excessive use of force by guards, overcrowding, and segregation of persons deemed "dangerous to the State" because of religious belief or for other reasons. By law some Romanian convicts are not required to work; the State uses this provision to keep some prisoners effectively in solitary confinement, whereas others in this category, whom the State does not wish to segregate, reportedly are made to sign "voluntary" requests to be allowed to work.

Several cases of alleged incarceration of dissidents in psychiatric institutions were reported in 1985. Although corroboratory information has not been received, some independent evidence tends to support the allegations.

d. Arbitrary Arrest, Detention, or Exile

There are no provisions for habeas corpus or bail in Romanian law. Prisoners under investigation often are held *incommunicado*. Detention of varying duration, usually a matter of hours, and then release without charge, continues to be widespread. Such arbitrary detention may be repeated, with subjects called back for additional lengthy interrogation several times.

Typically, persons detained for political or other offenses disappear abruptly, and family and friends are left unaware of their circumstances or whereabouts. In two substantiated cases of such disappearance in 1985, the subject later was found to have been arrested, tried, and convicted the same day, reemerging only some days later when his family was notified of his prison sentence. In another current case, authorities deny knowledge of the subject's whereabouts, but Western sources report the family has been ordered regularly to appear at a detention facility, bringing clean clothing which is exchanged for a set of the subject's soiled clothes.

The scope of Romanian criminal law is broad enough to insure that persons coming under official scrutiny may be convicted of some offense. Examples of typical charges are "defaming the Socialist order" for speaking frankly to a foreigner; "disturbing the peace" or "illegal assembly" for private prayer meetings in the home; "social parasitism" if unemployed but technically guilty of no other offense; or "distributing literature without a license"---a felony---if found attempting to hand out free Bibles.

"Exile" is not a punishment found in Romanian law. The authorities, however, have used residence permit requirements to harass religious activists, in one case in 1985 seeking to banish a Baptist minister to the provinces. There have also been substantiated cases of persons "temporarily exiled" by being taken to a remote location and detained, for example, during the time Western visitors interested in their cases were in the country.

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Romanian practice requires involuntary labor from citizens but, for the most part, this seems to fall within the area of "civic obligations" and thus outside the International Labor Organization's definition of "forced or compulsory labor." For example, a law passed after the 1977 earthquake required up to 6 days' unpaid labor per year (and cash contributions) from each citizen. Though still widely applied, sanctions for nonperformance are light. In some jurisdictions, the work requirement is automatically converted to an additional cash payment. Students 11 years and older perform "patriotic work" in agriculture or elsewhere, sometimes 8 to 10 hours daily for several weeks, especially during the harvest. The Union of Communist Youth organizes "youth brigades" for this purpose. Some religious groups reportedly have been "encouraged" by local authorities to perform unpaid labor in the fields on Sundays as a means of securing official approval for church building permits or other benefits for their congregations.

These types of labor contributions are general throughout the population, not selectively applied as a "means of political coercion or education, or as a sanction against free expression of political or ideological opinions." There are no reports of "gulags" or other practices which fall within the ILO definition of "forced or compulsory labor."

e. Denial of Fair Public Trial

In Romania, an accused person is considered guilty until proven innocent. The ability of the accused to defend himself effectively in a fair trial, however, is severely circumscribed. Although the authorities in 1985 seemingly displayed increasing regard for correct procedure and due process of law, Western observers often gained the impression that being brought to trial in Romania is an almost sure guarantee of conviction. In 1985 there were clear cases of fabrication of evidence and suborning of witnesses by prosecuting authorities, as well as of what appeared to be violations of Romanian law regarding court procedures. Defendants are often tried without counsel or are represented by state-appointed attorneys whose role appears to be that of apologizing for defendants' offenses. Members of the judiciary, like other officials, are subject to the authority of the Communist Party.

A notable example in 1985 both of an unfair trial and of an unsuccessful attempt to obtain justice through appeal procedures was the case of Constantin Sfatcu. A Baptist from eastern Romania, Sfatcu was charged with "attempted murder of a policeman" after a chance search of his car revealed some 600 copies of Bibles and other religious literature in the trunk. Despite what even a government prosecutor later called highly questionable evidence, Sfatcu was convicted and given a sentence close to the maximum. On appeal to the Supreme Court, the prosecutor recommended returning the case to the lower court for retrial because of the character of the evidence and the failure of the State to sustain its charge. The Supreme Court instead found Sfatcu guilty of a lesser offense and reduced his sentence to 4-1/2 years.

The majority of trials are held in public, though secret trials are common where state security is involved and may also be permitted in certain other cases. Foreign observers face some difficulties in attending public trials with high local or international interest. In at least one case,

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Western interest caused the judge arbitrarily and abruptly to order a routine trial closed over the objection of defense attorneys. The alleged offense did not fit any of the categories for which the law permits closed trials.

It is impossible accurately to estimate the number of political prisoners in Romania, though the number could be several thousand, including those who have attempted to leave Romania illegally.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Romanian laws and regulations governing the security apparatus sanction a high degree of interference with the individual and the family. The interference is somewhat mitigated by the impossibility of total control, by uneven application of regulations, and occasionally by corruption of officials.

Deliberate and arbitrary interference with the privacy of the family, home, and correspondence is a frequent occurrence. Searches are made of private homes, persons, and personal effects without search warrants or probable cause that a crime may have been committed. Militiamen at checkpoints located on most roads leading out of the cities and at major highway intersections in the countryside randomly stop and search vehicles as a matter of course. Persons on tram cars and city buses often are asked for identity documents and have shopping bags and personal belongings checked by the authorities.

The authorities often enter homes on the pretext of looking for building code violations, excessive consumption of electricity (60 watt bulbs maximum), illegal use of electrical appliances, etc. These searches facilitate the discovery of other items, such as forbidden books and publications, religious materials, or any other evidence of "wrongdoing."

Violation of privacy of the person also arises from the ongoing antiabortion campaign. Some female workers undergo mandatory bimonthly pregnancy tests and physical examinations to insure that pregnancies are discovered and carried to term.

Complaints about interference with both domestic and international correspondence continue. Letters to or from persons considered "of interest" often never arrive at their destination. People have reportedly been questioned by the security police about topics discussed in letters which were delivered seemingly unopened. On other occasions, people have been questioned about statements made in letters sent abroad but never received by the addressees.

The Government has the capability to monitor domestic and international telephone calls closely and appears frequently to do so.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Constitution guarantees freedom of speech and of the press but prohibits their use for any purpose "hostile to the

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Socialist system and the interests of the working people," as defined by the State and party. Similarly, the Penal Code prohibits "propaganda with a Fascist (as defined by the State) character delivered in public by any means... (or)...the undertaking of any action for the changing of the Socialist system..." It also prohibits acts "which would result in a danger to state security"; these offenses are punishable by prison terms of up to 15 years.

The Government seeks to control the domestic dissemination of information in a variety of ways. Though official censorship was abolished some years ago, all media are state-owned, rigidly controlled, and used primarily as the vehicle for government and party propaganda. Western radio broadcasts in the Romanian language are not jammed and are a major source of both foreign and domestic news for the Romanian people. Western publications are not available to the general public, and unauthorized import or distribution of foreign publications is forbidden. In 1985 there were frequent reports of confiscations of foreign-source materials, including Hungarian-language publications, at the border. Romanian libraries carefully control access to "restricted" materials such as prewar historical texts. In 1985 there was reportedly an increase in the number of books banned or restricted. For live theater, censorship boards must approve all new productions before the opening performance. Serial numbers and type-face samples of all typewriters must be registered with the authorities, and the use of duplicating machines is strictly regulated.

Foreign cultural centers and libraries enjoy open access to the public and are allowed to distribute limited quantities of Western periodicals.

b. Freedom of Peaceful Assembly and Association

The Government attempts to control all group activity. No organization independent of government or party influence is permitted to exist. Peaceful assembly and association without permission are usually short-lived and may bring severe repercussions to those involved. Citizens are strongly discouraged from making contact with foreigners, and the law requires that all such contacts be reported to the authorities within 24 hours.

The Constitution guarantees the right to join a union. As noted earlier, however, it also enshrines the Communist Party as "the leading political force in the whole of society," which applies specifically with respect to labor unions and other "mass and public organizations." Trade unions independent of the party are thus prohibited, and workers do not have the right independently to form associations, elect representatives, or affiliate with international organizations.

Workers do not have the right to organize or bargain collectively. While they nominally have a direct voice in the management of the workplace through the unions that all must join, in most factories the senior party official is also the union's chief executive, and the primary function of the unions is to channel party doctrine and directives to the workers. Unions also dispense social benefits, such as

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vacations at union-owned hotels, for which the member pays only a fraction of the real cost, low-interest loans, and access to cultural, educational, and other leisure activities.

Romania's labor code is silent on the right to strike, except to elaborate procedures by which the union leadership is required to mediate disputes between the workers and management, with recourse to the courts where the dispute cannot be settled. In practice, sanctions available to the party and the union make it unlikely that such disputes would reach the courts. In the past, the Government's reaction to actual strikes, or to advocacy of the worker's right to strike, has been harsh repression.

Based on complaints by the World Federation of Labor about Romanian suppression of widespread strikes in the Jiu valley coal mines in 1977 and the 1979 suppression of an attempt to establish an independent trade union, the International Labor Organization (ILO) in 1980 began an investigation of Romania's labor practices. In 1984, the ILO found that Romania's response to allegations made against it and to charges that its Constitution violated international labor standards was inadequate. The Committee on the Application of Standards and Conventions recommended that Romania accept a direct-contacts mission from the ILO. In 1985, Romania refused both to consider a direct-contacts mission and to appear before the Committee to respond further to charges about its labor policies.

There continue to be unconfirmed reports about work stoppages and labor unrest caused by dissatisfaction about food shortages, pay, or lack of heat.

c. Freedom of Religion

Despite constitutional guarantees of religious freedom, the practice of religion in Romania continues to be closely controlled by the Government. The Communist Party advocates atheism, and religious activism by state officials and party members is strongly discouraged. The Department of Religious Affairs recognizes religious denominations, including Romanian Orthodox (the largest), Roman Catholic, Lutheran, Calvinist, Unitarian, Baptist, Pentecostal, Seventh-Day Adventist, Jewish, and Muslim. The 14 officially approved faiths encompass an estimated 95 percent of all Romanians claiming religious affiliation.

The Government, through the Department of Religious Affairs, subsidizes clerical salaries, issues licenses to preach, approves permits for church construction or renovation, establishes the number of new admissions to seminaries, and controls the importation or printing of religious materials, including Bibles.

Attempts by members of officially unrecognized faiths to gather for worship generally are treated by local authorities as "illegal assemblies" or "disturbing the peace," with participants arrested and fined. Among the denominations refused recognition by the Government are the Church of Jesus Christ of Latter-day Saints (Mormons), the Nazarenes, and Jehovah's Witnesses. The latter two faiths were singled out for strong attacks in government periodicals in 1985.

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The Romanian Orthodox Church has from historic times been able to coexist with a series of governments. It tends to accept government policy and did not, for example, take public issue with the authorities over the destruction of a number of churches and monasteries in 1985 which caused some public outcry. The church is believed, however, to have registered quiet objections which led to the physical relocation of several structures outside of the area of urban redevelopment plans. Government policy toward the Orthodox Church appears less restrictive than toward the more Evangelical congregations. Orthodox Church officials claim they are able to build churches as needed and have no pressing need for new churches, despite major urban and rural redevelopment programs which are causing a substantial percentage of the population to move into new high-rise apartment communities.

The remarkable growth of what the Government calls "neo-Protestant" denominations--Pentecostals, Evangelical Brethren, and especially the Baptists--has led to repeated confrontations with the Government during the last 15 years. Government animosity towards these groups is strengthened by their insistence on the primacy of religious belief over state authority in matters of conscience.

In what was seen as a positive step in 1985, the Government promised Baptist leaders additional badly needed seminary entry positions and building permits. So far, these promises remain substantially unfulfilled. The country's largest Baptist church in Oradea is scheduled for demolition in an urban renewal program but has been allowed to stand pending completion of a replacement. On the other hand, a Baptist church in Bistrita was partially demolished by the authorities in November, 1984, and has not been repaired. A Baptist church in Blaj was destroyed because of building code violations in October 1985, and a large Baptist church in Bucharest was substantially demolished during the summer for the same reason. A Baptist church in the village of Gaujani was confiscated in 1984 for use as a nursery school; the congregation has been unable to obtain either a replacement or compensation.

The Government in late 1984 permitted the consecration of the Administrator of Bucharest's Roman Catholic Archdiocese, Msgr. Ioan Robu, as a bishop. The Archdiocese had been without a prelate since the death of Archbishop Cisan in 1954. Government officials attended Bishop Robu's consecration in Rome, and a number of Catholic clergy were permitted to travel there for the ceremonies as well. The Government, however, continues to disagree with the Roman Catholic Church over the number of dioceses to be allowed in the country, and the church technically remains without an approved government charter. In 1985 Bucharest's largest Roman Catholic Church, St. Joseph's, was partially renovated inside, and a small, new Catholic church was consecrated in the resort town of Baile Tusnad.

The Government continues to support a widespread and active Jewish community organization throughout the country. Jewish cemeteries in Romania are typically well maintained; the organization runs some 11 kosher restaurants throughout the country. When city redevelopment plans threatened the smaller of two Jewish old people's homes in Bucharest in 1985, Jewish community leaders were able to gain government support for the construction, mostly with funds contributed by groups in the

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United States, of a new facility now nearing completion. Though current redevelopment work has destroyed a number of the Jewish organization's buildings in Bucharest, including former synagogues, the organization maintains that these buildings were no longer necessary. The organization's headquarters, the main ("Choral") synagogue, and the Jewish museum--all in the redevelopment area--have been left untouched. There have been no repetitions of the anti-Semitic literature which troubled relations in 1984 between the Government and the Jewish community. Jewish leaders are allowed to travel outside the country and do so frequently.

The apparent severe shortage of Bibles continue to lead some Romanians to risk harsh penalties for smuggling them into the country. In 1985 persons were convicted for offenses stemming from smuggling Bibles. Four of these, Evangelical Christians, were sentenced to penal work programs for about 1 year for "distributing literature without a license" when they attempted to give out Romanian-language Bibles. The Government has indicated, however, that it would be willing to permit the importation of Bibles, if a need were demonstrated which could not be met from within the country. Many religious leaders say privately that they need Bibles, but apparently no denomination has put forward a formal request for the import of Bibles. Various problems are said to have delayed implementation of a government offer, now some years outstanding, to have more Bibles printed locally for several Protestant faiths.

In what was perceived as a significant positive step, Father Gheorghe Calciu, a Romanian Orthodox priest imprisoned from 1979 to 1984 for sermons critical of the Government, was allowed to emigrate in July 1985. Upon his arrival in the West, Calciu told of several other prisoners of conscience who were in prison with him and presumably remain there for "offenses" similar to his own.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Except for certain military or other restricted areas (access prohibited) and border areas (access limited to residents of the areas and those with economic need to travel there), there are no official restrictions placed on travel within Romania. Because of economic problems, however, travel within Romania can be difficult for the average citizen. A national ban on the use of private cars was in effect during the first quarter of 1985. During this time public transportation was curtailed. A ban on driving on alternate Sundays, based on license numbers, remained in effect throughout the year. Gasoline rationing also severely inhibited automobile travel.

Reports continue that the authorities seek to discourage citizens from traveling to meet foreign visitors or to attend particular functions, notably of a religious character. During the visit of Rev. Billy Graham to Romania in 1985, reports were received of government efforts to discourage attendance at his appearances. When these efforts proved unsuccessful, despite a total clampdown on domestic publicity, the Government threw heavy cordons of security troops and police around his public appearances in Bucharest, the last stop on his tour.

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The right of a citizen to change his place of residence or work is restricted. Residence permits are required, and citizens may not legally move from one town to another, or between districts within a city, without official permission. Official denial of residence permits has been used to hamper and harass religious activists, in one case requiring a minister to live in a city many miles distant from his congregation. Residence-permit and antiunemployment laws have been used to dilute the ethnically homogeneous nature of some parts of the country heavily populated by national minority groups. Workers are technically free to change jobs although antiunemployment laws and government controls limit this freedom in practice. A government declaration of a "state of necessity" in the energy industry in the fall of 1985 froze all energy workers in their jobs.

Travel outside Romania is a privilege usually reserved for those who hold relatively high positions in the party or Government, or those who can "guarantee" their return, usually by leaving a close family member behind. Older persons wishing to visit their children resident abroad generally have few problems.

Officially, Romania encourages tourism by making visas available for most visitors at the border. In 1985, however, a number of Hungarian travelers--including some with valid Romanian entry visas--were turned away at the border; usually no reason is given for such entry denials. In other cases the Government has indicated that certain U.S. citizens who formerly visited Romania as tourists would neither be given visas for future visits nor allowed to reenter the country; in most cases the visitors are alleged to have engaged in Bible-smuggling or religious activities unacceptable to the authorities. Others visiting coreligionists report they encountered little or no difficulty in entry and movement about the country.

Official policy continues to oppose emigration for any purpose but family reunification. Those who seek to leave Romania continue to face harassment designed to dissuade them and others who might be considering permanent departure. To avoid enlarging the figure of "passport denials," the Government refuses to accept passport applications until a decision to issue has been made. Successful applications take one year or more before passport approval. Once emigration passports have been issued, applicants are required to show they have divested themselves of almost all property, including currency assets. Those in state- or employer-supplied apartments typically face eviction and must find accommodation in the already overcrowded dwellings of family or friends while they await foreign visas necessary for departure from Romania.

During this period, which was often very lengthy until recent changes in procedures, applicants were nearly always demoted or dismissed from their jobs although most were offered other employment, such as digging ditches in a distant city, cutting wood in forests, or farm labor positions in the provinces with no provision for family accommodation at the proffered job site.

In 1985 an understanding was reached between the United States and Romanian Governments on passport and visa procedures which has reduced these humanitarian costs for intending emigrants to the United States who have received the Romanian

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Government's permission to depart. The understanding provides that the Romanian Government will issue certificates of passport approval to those citizens approved for permanent departure for the United States. Passports are then issued to them after they receive letters from the American Embassy indicating that they are eligible for prompt issuance of U.S. visas or other travel documentation. In this way, the understanding delays the application of Romanian predeparture requirements (relinquishment of previous employment, housing, access to social services) until the emigrants are assured of early departure.

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

Though the Constitution guarantees the right of Romanians to change their government and leaders, in practice the individual citizen has almost no voice in shaping public policy or choosing public officials. The Romanian Communist Party, led by the President, his wife, and a few advisers, rules. No actual or potential alternatives to this present rigidly centralized control are apparent, and no meaningful opposition exists or would be tolerated. Public criticism of the Government, the party, and the state leadership is suppressed.

The Communist Party comprises more than 13.5 percent of the total population of the country. Women officially represent 52 percent of the general membership, and minorities are reportedly represented in proportion to their numbers within the general population. The higher echelons of the party, however, are predominantly male Romanians.

National parliamentary elections by secret ballot are held every 5 years. The public has no effective voice in the nominating process; candidates are chosen by the Front for Democracy and Socialist Unity, a mass organization whose president is Nicolae Ceausescu. Over 75 percent of its officers are Communist Party central committee members. Official statistics published after the March 1985 general election claimed that 99 percent of those registered actually voted, and 97.3 percent of these voted for the Front's candidates. Western observers closely watching the elections consider these figures highly suspect.

In Romania the chief party executive for each city, county, or enterprise is also the chief civil executive. Internal party elections were held for the new Communist Party leadership late in 1984. Though these preceded the national general election by several months, those chosen for senior party posts the previous fall were universally "elected" to the corresponding public posts the following spring.

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

There are no human rights monitoring organizations operating in Romania. The Government has permitted Western observers seeking to investigate the human rights situation here to visit Romania but discourages such visits and seeks to control, screen, and orchestrate such visits when they do occur. The Government has not commented officially on the reports issued by other governmental or nongovernmental

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organizations such as the Council of Europe, Amnesty International, or Freedom House, all of which have been critical. On the other hand, the Government organized a visit in 1985 for a human rights observer group led by three U.S. Congressmen, who traveled freely about the country and had contacts with virtually everyone--including religious dissidents--of interest to them. The group included a team of television newsmen, who produced two programs on religious freedom in Romania later broadcast in the United States.

Romania continues officially to proclaim that discussion and examination of its human rights situation is "unwarranted interference in domestic affairs," despite its professed support for human rights standards embodied in the United Nations Charter and in the Final Act of the Conference on Security and Cooperation in Europe.

In its 1985 Report (covering the year 1984), Amnesty International was concerned about the incarceration of prisoners of conscience, including religious believers, and about reports which indicated that defendants in political cases did not receive fair trials. Amnesty International also received allegations that political prisoners had been ill-treated. Freedom House rated Romania "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Romania's population, according to World Bank figures, was 22,734,000 in 1985, and the annual growth rate was 0.4 percent. Per capita gross national product in 1982 was \$2,558. Romania reached its present semi-industrialized level by maintaining extremely high rates of industrial investment financed by the earnings of agriculture and the petroleum industry, the restructuring of consumption, and foreign borrowing. The agricultural sector, at one time a major supplier of grain to Central Europe, has received relatively little investment emphasis.

In 1985, the national economy continued to confront rising costs, energy shortages, and stringent efforts by the Government to reduce the country's foreign debt as quickly as possible. Both agriculture and industry continued to suffer during 1985 from lack of needed imports, though less than in 1984. The harsh winter of 1984-85 and the Government's inability to solve the energy problem aggravated the economy's poor performance. Many factories closed due to lack of fuel or to failure by subcontractors to deliver needed input stock or subassemblies for the same reasons. Workers laid off or working reduced hours received no assistance from the state to balance their lost wages, causing considerable hardship. Inadequate energy supplies left many homes with little or no heat, no cooking gas, and a severely restricted electrical supply. Use of private cars was banned for several months, and public transport was curtailed at the same time.

To meet energy needs during the 1985-86 winter, the Government in October declared a "state of necessity and militarized regime" in the national energy system. The government decree assigned military commanders to coal-fired power plants and other installations and made them coequal in responsibility with management and union leadership.

Although food supplies expanded during the harvest period, basic foodstuffs remained rationed. Food availability was, in

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general, slightly reduced from previous years because of the reduced flow of goods from private plots to farmers' markets, stricter government controls on the sale of produce from private plots which discourage private farming, and the Government's policy of increasing food sales abroad as a major source of foreign exchange earnings.

Education is universal and mandatory for the first 10 school years. Romania has almost total adult literacy. The quality of technical and scientific instruction is considered good. Adult and continuing education is available once necessary permission has been obtained.

Over the past two decades, the Government has made a determined effort to provide adequate housing for its urban population. As a result, large new multistory apartment developments abound throughout the country, and the practice of several families sharing apartments, kitchens, and toilets--common only a few years ago--is gradually disappearing.

The urban and rural redevelopment program was accelerated considerably in 1985, especially in the countryside. One result of this was the wholesale destruction of small farm villages around Bucharest and elsewhere. This campaign, according to those who felt its effects, was carried out with little advance warning. Residents were sometimes given no more than 24 hours to vacate their homes in severe winter weather and find alternate shelter. Western observers report many instances of families, dispossessed the day before, picking through the ruins of their houses to salvage what little they could. The purpose of this program, according to government statements, was to eliminate inefficient single-family traditional rural housing and to increase the amount of land available for tillage. While some evictees were given city apartments, others were offered housing in "farm complex" rural apartment developments which they said had not yet been built.

In Bucharest, the accelerated urban renewal program encompassed several additional areas in 1985. Thousands of older houses and other buildings, some of historical value, were demolished to make way for new development. President Ceausescu announced a new program to move some older people out of the cities to agro-industrial complexes scheduled for construction in rural areas. Some movement in this direction reportedly has already begun.

Romania seeks to provide free medical care for all its citizens. According to 1984 statistics, average Romanian life expectancy is 71.6 years, and infant mortality is 27 per 1,000 live births. Romanian statistics claimed 9.3 hospital beds per 1,000 inhabitants, and one physician per 507 inhabitants in 1984.

President Ceausescu in late 1984 declared that culture must be devoted totally to serving the needs of society, by contributing to the development of the "new Socialist man." Though literature and the arts remain active, government policies leave many Romanians concerned for their country's cultural future.

The Romanian Constitution guarantees the right to work. Unemployment is a crime ("social parasitism"). The Government

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closely controls the labor market and claims that there is no unemployment.

The Constitution guarantees equal pay for equal work. Government statistics claim the average monthly net wage in all sectors in 1984 was about \$245. Government statistics indicated the losses in real earnings in 1982-83 were compensated by wage hikes in 1984, returning individual earnings to their 1980 level; there were no wage increases in 1985. A new system of wage determination, introduced in 1984, tied most wages to overall enterprise output, with no allowance for underperformance due to factors beyond the workers' control. As a result, despite the Government's claims, there were numerous reports in 1985 of greatly reduced worker pay, with widespread "moonlighting" required to reach minimum needed levels of income. A similar government plan announced late in 1985 established special bonuses (up to 20 percent of base pay) for managers in the export and extractive industries as well as a schedule of penalties (up to 50 percent) for underfulfillment of performance quotas.

The Constitution guarantees an 8-hour workday (or a 6-hour day in "arduous" occupations), a 24-hour rest period each week, paid vacations, and the "right to leisure." Labor law elaborates these guarantees but allows employers to override these standards "if conditions warrant." In 1985 there were numerous reports of workers required to perform extra, uncompensated days of labor to make up for lagging production or for some official holidays. Shift schedules and workdays have been arbitrarily adjusted, in some cases, to rationalize machinery use or energy consumption patterns.

There is no specific minimum employment age, although Romanian law requires schooling to the age of 16. Exceptions, however, are allowed for 14-year-olds in temporary jobs and for youths of 15 employed in industrial work, so long as the employer provides continuing educational opportunities and shows that the work being performed is "appropriate for the age and condition" of the employee. In such cases, the law limits work to 6 hours per day. Children from age 11 may work in the fields, or in other "patriotic work," usually as part of a school or other group activity.

The Romanian Labor Code guarantees Romanian workers a safe environment. The Ministry of Labor has established safety standards for most industries and is responsible for enforcing these standards. In practice, however, observers report that workplace conditions in many factories present substantial health or safety hazards. Although management is reportedly aware of these deficiencies in most cases, emphasis on meeting production goals clearly takes precedence over safety and health in light of the Government's insistence on rapidly paying off the foreign debt and on pursuing industrial and economic development.

Women are constitutionally guaranteed the same rights and privileges as men. The Government seeks to upgrade the role of women in society with specific policies in the areas of education, access to employment, and comparable wages. As a result, women are employed in virtually all sectors of the economy, and there is equal opportunity in education, but at the senior levels of responsibility and authority they appear in far smaller numbers. Many women are still found in the

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most menial jobs, such as agricultural stoop labor, street cleaning, and snow removal.

According to official figures, the country's population includes about 2.7 million members of ethnic minorities, of whom 1.7 million are ethnic Hungarians. Hungarian sources claim that the true figure is closer to 2-2.5 million ethnic Hungarians. Hungarians, Germans, Gypsies, and members of many smaller groups constitute about 12 percent of the total population. The Constitution forbids discrimination on the basis of ethnic background. Although the Government claims it does not discriminate against minorities, there nonetheless are limitations on minority groups' freedom to express and maintain their cultural heritage. Government efforts to centralize and economize by combining education, social, and cultural facilities frequently affect minority groups disproportionately. For example, the mergers of schools, theaters, or other such institutions often result in the loss of the minority group's ethnic characteristics as the institutions become predominantly Romanian. Moreover, strict government control of private organizations, which might be dedicated to the preservation of ethnic cultural practices, are often viewed by members of minority groups as discriminatory. Both Romanian and non-Romanian television and radio broadcasting have been cut as an economy measure. Despite government limitations, Hungarian- and German-language daily papers still outstrip their Romanian-language equivalents in circulation in heavily ethnic areas.

SPAIN

Spain is a parliamentary democracy with a constitutional monarch. During the past 6 years a modified form of federalism has been instituted, with 17 regional governments sharing administrative and political power with the national and municipal governments. At all levels of government, elections must be held at least every 4 years. Voter participation is high, and the freedoms of speech, press, religion, assembly, movement, and participation in the political process are extended to all groups and minorities.

The Spanish economy is mixed, with primary reliance on private initiative and market mechanisms. Social welfare and equity have received a high priority since the return of democracy to Spain in 1976-77, but world economic conditions and severe structural problems in the Spanish economy have restricted available resources. Unemployment (19-20 percent) is a major problem.

The overall level of respect for human rights in Spain is high. Real or alleged violations over the past year have continued to focus mainly on political terrorism and the Government's efforts to control and eliminate it. The Government has denied charges that it supports antiterrorist violence. Many persons arrested in connection with terrorism have alleged mistreatment, sometimes including torture. In some cases, law enforcement personnel have been found guilty and punished.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

In the first 9 months of 1985, 49 persons died in terrorist actions in Spain, compared to 27 for the same period in 1984. The largest single death toll was the bombing of a restaurant near Madrid in April 1985, in which 18 persons lost their lives. Responsibility has not been determined. Foreign groups, primarily from the Middle East, have carried out some actions in Spain, but terrorism in Spain in 1985 remained primarily an indigenous phenomenon. The largest number of incidents and deaths were claimed by or attributed to the Basque separatist group ETA (Basque Fatherland and Freedom Movement). Frequently the victims are police and military personnel.

From January to August 1985, several alleged ETA activists were killed by GAL (Antiterrorist Liberation Group). These killings by GAL occurred in France. There have been charges, denied by the Government, that GAL has links to Spanish security forces.

b. Disappearance

There were no reports that government security forces have engaged in secret arrests or kidnappings. There was one recorded ETA kidnapping for ransom. Security forces carried out a successful raid to free the person.

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c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Government security forces have been accused of torturing and beating some arrestees, primarily in terrorism-related cases. According to the Ministry of Interior, in the first 9 months of 1985 there were approximately 393 persons arrested under the antiterrorist law, compared to approximately 849 arrested under this law in 1984. Many of these persons filed formal complaints of police brutality. From 1983 to August 1985 some 30 members of the various security forces have been punished for mistreatment of detainees.

In December the drowned body of alleged ETA activist Mikel Zabalza was found in a river near where security forces said he had escaped 2 weeks earlier. Family and friends claimed Zabalza had been tortured and thrown into the river. The autopsy, witnessed by a non-Spanish observer, revealed no indications of torture. Zabalza's case became a rallying point for critics of the antiterrorist law, particularly its provision for holding persons incommunicado for up to 10 days (see Section 1.d.).

According to all available sources, prison living conditions have continued to improve, and there have been few reports of prisoner mistreatment in 1985. The prison system has recently begun to allow conjugal visits on a limited basis. The International Red Cross has permission to visit any prison whenever it wants in order to review prison conditions.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrests and detention are prohibited by the Constitution. This prohibition is respected in practice. Civil libertarians, however, criticize the special antiterrorist legislation which permits a person to be detained incommunicado for up to 10 days. The detainee has to be brought to the court's attention during the first 72 hours of detention, but the court has discretion to extend the period prior to arraignment for another 7 days. Critics of the antiterrorist law say that the judge often approves the extension of the period of detention without seeing the detainee, because the supervising court is in Madrid and detainees under this law are most often arrested in the Basque provinces.

A person detained under the antiterrorist law has to be informed of his rights and the reason for arrest. The detainee may not choose his own lawyer; instead, one is provided to him from the private (and independent) Association of Lawyers. There is no provision for an independent medical examination. The Government contends that allowing the detainee to choose his own attorney or doctor might enable him to communicate with accomplices outside. The appointed attorney formally advises the detainee of his rights, including the right to remain silent, and is present during his interrogation. However, he may not consult with the detainee until the interrogation is completed.

There is no forced labor in Spain.

SPAIN

e. Denial of Fair Public Trial

The Constitution guarantees the right to a fair public trial, and this right is observed in practice. The law provides for an expeditious judicial hearing following arrest. Defendants may always appeal to the next highest court, and up to the Council of Europe in cases concerning human rights.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Privacy of home and correspondence is protected by the Constitution. Under the Criminal Code, government authorities must obtain court approval before searching private property, wiretapping, or interfering with private correspondence. The current antiterrorist law, however, permits the Minister of Interior and the Director of Security to initiate postal, telephonic, and telegraphic observation "in cases of emergency," but they must inform the court of relevant jurisdiction immediately after the action taken.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Government scrupulously observes the guarantee of free speech and press provided in the Constitution. Opposition viewpoints are freely expressed in speech and through the media.

b. Freedom of Peaceful Assembly and Association

As provided in the Constitution, all groups have the right of free assembly and association for political or other purposes.

Under the Constitution, trade unions are free to organize, bargain collectively, and strike. About 20 percent of the Spanish work force is unionized. Trade unions are not subjected to official harassment. They freely maintain ties with recognized international organizations.

c. Freedom of Religion

There is no state religion in Spain. Catholicism is the predominant religion, but other religions are represented and function with full freedom. Adherence to a particular faith neither enhances nor diminishes a person's secular status.

A 1984 law gives legal status to conscientious objectors. The constitutionality of the law's requirement that conscientious objectors perform social service for 6 months longer than the period of service of their military counterparts is being considered by the Constitutional Court.

d. Freedom of Movement within the Country, Foreign Travel, Emigration, and Repatriation

Spanish citizens have the freedom to travel in and outside the country. The Government restricts neither emigration nor repatriation. A law providing for political asylum, approved in March 1984, has been generally described as progressive and fair. However, the law controlling the residence of aliens, which affects some 750,000 persons, is criticized for allowing the Government too much discretion in expelling aliens and

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restricting their right of association. A constitutional challenge has been brought by the Office of the Public Defender (government ombudsman).

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

Spain is a multiparty democracy with open elections in which all citizens over the age of 18 have the right to participate. Opposition groups exist openly and take active part in the political process. Of more than 50 national and regional political organizations which took part in the 1982 national elections, the Socialist Workers Party won an absolute majority of parliamentary seats.

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

The Government maintains good relations with international human rights groups, such as Amnesty International and the International Red Cross, as well as with national groups, such as the Spanish Human Rights Association. The Foreign Ministry, through an Office of Human Rights Affairs and current membership in the United Nations Human Rights Commission, takes an active interest in human rights issues internationally.

Amnesty International, in its 1985 Report (covering the year 1984), was concerned about the torture and ill-treatment of detainees and the opportunity for abuses when detainees were held incommunicado under the antiterrorist law. Freedom House rated Spain "free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

A country with a population of 38,829,000 in 1985 and a growth rate of 0.6 percent, Spain has a mixed-market economy. Per capita gross national product in 1983 was \$4,780. Spain's economy, affected in the last few years by the general slump in the world economy, continues to recover slowly.

Under the present Government, inflation has considerably decreased, exports have surged, and a painful but necessary program of industrial restructuring and modernization has moved forward. A low rate of domestic investment and high unemployment (officially calculated at around 20 percent) remain major problem areas, although these are mitigated somewhat by the existence of a substantial "underground" economy.

The food, shelter, health, and educational needs of the people are generally met. Life expectancy at birth in 1985 was 74.6 years, the infant mortality rate was 9.0 per 1,000 live births, and the adult literacy level was 92.6 percent. Over 92 per cent of primary-school-age children were in fact in school in 1981.

Workers in general have substantial well-defined rights. A 40-hour week was established by law in 1983. Spanish workers also enjoy 12 paid holidays a year and a month's paid vacation. A minimum wage tied to the cost of living is provided by law. Children under 16 years of age may not be employed. Working and health conditions are generally good.

SPAIN

Workers in the underground economy, estimated to be as high as 25 percent in some areas, frequently do not have the same protections and benefits as those in the open economy.

Women's equality in the workplace is guaranteed by law. The Constitution confirms the equality of the sexes. Nonetheless, women face practical obstacles in the achievement of equal opportunity because employers are under no legal obligation to announce jobs for open competition. In recent years, women have made significant inroads into some traditionally male-dominated professions, such as law and medicine.

The role of women in Spanish society is also changing in other ways. A 1985 law permits women to have abortions when their physical and mental health would be threatened by giving birth. Because of the work of the Women's Institute, the problem of battered women is now recognized. In less than 2 years it has established 10 centers for battered women in cities throughout Spain. The Civil Guard, the state's security force in the countryside, has voluntarily extended its support to the Women's Institute in the implementation of its educational program concerning battered women.

Gypsies are a minority group representing 3 percent of the Spanish population. They sometimes suffer discrimination in housing, schools, and jobs. Legal mechanisms exist by which they can seek redress, for example, from discrimination by an employer. As a practical matter, however, Gypsies do not normally seek such redress. Pending in Parliament is a proposed law which would create an agency to aid the Gypsy community.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: SPAIN

	1983	1984	1985	

I.ECON. ASSIST.-TOTAL...	12.0	12.0	12.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	12.0	12.0	12.0	
A.AID	12.0	12.0	12.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	12.0	12.0	12.0	
(SEC.SUPP.ASSIST.)...	12.0	12.0	12.0	
B.FOOD FOR PEACE.....	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
TITLE I-TOTAL.....	0.0	0.0	0.0	
REPAY. IN \$-LOANS.....	0.0	0.0	0.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	0.0	0.0	0.0	
E.RELIEF,EC.DEV & WFP.	0.0	0.0	0.0	
VOL.RELIEF AGENCY.....	0.0	0.0	0.0	
C.OTHER ECON. ASSIST...	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
PEACE CORPS.....	0.0	0.0	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II.MIL. ASSIST.-TOTAL...	402.5	403.0	402.9	
LOANS.....	400.0	400.0	400.0	
GRANTS.....	2.5	3.0	2.9	
A.MAP GRANTS.....	0.0	0.0	0.0	
B.CREDIT FINANCING.....	400.0	400.0	400.0	
C.INTL MIL.ED.TRNG.....	2.5	3.0	2.9	
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E.OTHER GRANTS.....	0.0	0.0	0.0	
III.TOTAL ECON. & MIL...	414.5	415.0	414.9	
LOANS.....	400.0	400.0	400.0	
GRANTS.....	14.5	15.0	14.9	

OTHER US LOANS.....	0.0	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	0.0	0.0	

ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	1946-85

TOTAL.....	105.4	105.0	140.0	828.1
IBRD.....	0.0	0.0	0.0	416.3
IFC.....	0.4	0.0	0.0	11.6
IDA.....	0.0	0.0	0.0	0.0
IDB.....	0.0	0.0	0.0	0.0
ADB.....	0.0	0.0	0.0	0.0
AFDB.....	0.0	0.0	0.0	0.0
UNOP.....	0.0	0.0	0.0	8.6
OTHER-UN.....	0.0	0.0	0.0	1.6
EEC.....	105.0	105.0	140.0	390.0

SWEDEN

Sweden is a constitutional monarchy, whose King is Chief of State. All executive authority is vested in the Cabinet, which is formed through direct parliamentary elections every 3 years and consists of a Prime Minister (head of government) and some 20 ministers. The 349 seats in the unicameral Parliament are divided proportionally among the 5 political parties currently represented. The Social Democratic Party, Sweden's largest, returned to power in the September 1985 elections, though with a reduced parliamentary plurality. Fundamental political freedoms and human rights are guaranteed by the Constitution and protected by the Government.

Sweden is an advanced industrial democracy with a high standard of living, extensive social services, and a mixed economy. Over 90 percent of business is privately owned.

Private persons are entirely free to express their political preferences, pursue individual interests, and seek legal resolution of disputes. Ombudsmen, appointed by the Parliament with full autonomy, investigate private complaints of alleged abuse of authority by officials and stipulate corrective action, if required.

Respect for human rights, at home and abroad, is a basic social value that underlies Sweden's active support of international efforts to enhance human rights observance. The human rights situation remained stable in 1985. The arrival of more asylum-seekers, many undocumented, from the Middle East has posed a humanitarian problem. Sweden observes international conventions in granting asylum and refugee status, but long delays in deciding asylum cases and the return of asylum-seekers to Lebanon and Turkey have prompted protests from immigrants and human rights groups in Sweden during 1985.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

Killing for political motives by government or domestic opposition groups does not occur. Political killings carried out in Sweden during 1985 stemmed from non-Swedish conflicts. A former Iraqi diplomat who had requested asylum in Sweden was murdered. Swedish authorities have actively sought the suspects, but the case remains unsolved. The murder and attempted murder of two Kurdish political activists in Sweden in 1985 also appeared to have political motives. Swedish authorities minimize the potential for terrorism through (A) cooperation with Interpol, (B) refusal of visas to known terrorists or persons with terrorist connections, (C) border control by immigration and customs authorities, and (D) surveillance of foreign persons who appear to be spying on refugee groups in the country.

b. Disappearance

There have been no reports of abduction, secret arrests, or clandestine detention by Swedish authorities.

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c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Swedish law prohibits these abuses, and such prohibitions are respected by Swedish authorities. Occasional accusations against individual policemen of excessive use of force in connection with arrests are carefully investigated and have not produced evidence of a systematic problem.

d. Arbitrary Arrest, Detention, or Exile

Statutory guarantees of individual liberty are observed. Persons disturbing the public order or considered dangerous may be held for 6 hours without charge. Criminal suspects may be held no longer than 12 hours without formal charges. If a person files for bankruptcy and refuses to cooperate with the official investigation, a court can order detention for up to 3 months (with judicial review every 2 weeks). Arrest is open and by warrant. Bail does not exist, but suspects not considered dangerous or likely to destroy evidence are released to await trial. By law, Swedish citizens cannot be expelled. However, convicted criminals who are not Swedish citizens are often expelled at the conclusion of their prison terms, unless they risk execution or other severe punishment at home.

In October 1984, the European Court decided in a case involving Sweden that the length of time which can elapse between arrest and initial court appearance violated the European Convention on Human Rights. This case concerned an individual held 15 days before receiving a court hearing. A government commission has recommended additional courts to assure hearings within 5 days and supervised release pending a hearing in certain cases. These recommendations are expected to be acted on during 1986.

There is no forced labor in Sweden.

e. Denial of Fair Public Trial

The Constitution forbids deprivation of liberty without public trial by a court of law. The judiciary functions freely and independently. The accused has the right to counsel, although budget cutbacks since 1983 have restricted the availability of public defenders to cases where the maximum penalty could be a prison sentence of 6 months or more. There are no military courts in peacetime.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

Freedom from these offenses is guaranteed by law. During 1984, citizen complaints prompted a government ombudsman to put a stop to aerial photography and surveillance by tax authorities trying to detect undeclared assets. Home searches are limited to investigations of crimes punishable by at least 2 years' imprisonment, such as murder, robbery, rape, arson, sabotage, counterfeiting, and treason. Wiretapping is permitted only in cases involving narcotics or military security. Searches and wiretaps normally require court approval. When the time factor is critical, or when life is believed to be in immediate danger, the ranking police officer can approve these measures. Search warrants are granted only after deliberation and on the basis of well-founded suspicion.

SWEDEN

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Swedes enjoy these freedoms fully. Government subsidies to daily newspapers, regardless of political affiliation, assure the expression of differing opinions. Publication of sensitive national security information and excessive violence in films and television are subject to censorship. National state-owned radio and television channels are operated by an independent board and management and present news in a nonpartisan manner. Emerging cable television and local public-access radio stations provide further opportunities for the airing of diverse views. Newspapers and periodicals are for the most part privately owned and published. One man who distributed a pro-Nazi publication has been convicted under an existing statute proscribing "incitement against ethnic groups."

b. Freedom of Peaceful Assembly and Association

Swedes exercise these freedoms without undue restraint. Public demonstrations require a police permit, for which applications are routinely approved. An exception in the interest of public order, however, was a neo-Nazi group which was denied a permit to demonstrate in the vicinity of the labor unions' traditional May Day marches in 1985, since the police feared there could be violent confrontations.

Workers are free to organize and have the right to strike. A large majority of the working population belongs to trade unions, including career military personnel and civilian government officials. Unions and trade associations conduct their activities with complete independence from the Government and pursue extensive international contacts.

c. Freedom of Religion

Swedes have unimpaired religious freedom. There is a state Lutheran Church, supported by public funds, but all faiths are freely observed.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement within and from the country and voluntary repatriation are guaranteed by law and respected in practice. Refugees, displaced persons, and others seeking political asylum are on the whole generously treated, though long waits and denial of asylum requests from applicants not meeting internationally agreed criteria are becoming common.

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

Sweden has a long history of vigorous democratic political life within a representative, multiparty parliamentary system. To enter Parliament, a party must win a minimum of 4 percent of the votes cast. There is universal suffrage over age 18. Although voting is not compulsory, 90 percent of eligible voters participated in the 1985 elections. Aliens who have been legal residents for at least 3 years have the right to vote and run for office in municipal elections.

SWEDEN

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

Ombudsmen serve as official governmental monitors of individual rights in Sweden, effective both in making citizens aware of their rights and publicizing and correcting abuse of state authority. Active private organizations monitor issues such as the impact on individuals of comprehensive social legislation and the condition of the native Sami (Lapp) population. Sweden works energetically within the United Nations and other international organizations to promote observance of human rights. Government agencies are in close contact with Amnesty International, the Red Cross, church organizations, and a variety of other private groups working in Sweden and abroad for the same purposes. State-supported Stockholm University offers instruction in making human rights complaints to bodies such as the European Commission on Human Rights.

Amnesty International in 1985 did not report on Sweden; Freedom House called Sweden "free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Sweden had a population of 8,348,000 in 1985, and its per capita gross national product was \$12,470 in 1984. The taxation system is designed to even the distribution of wealth among all segments of the population. Open unemployment (under 3 percent of the workforce) has fallen over recent years, while "hidden" unemployment stays stubbornly high, making unemployment, despite the low open rate, a key government concern.

Basic human needs for the entire population are thoroughly met without discrimination. The state provides social welfare and medical services, benefits to families, pensions, and disability and unemployment insurance. Life expectancy at birth is 77.7 years, and the infant mortality rate is 6.6 per 1,000 live births. Virtually the entire population is schooled and literate, with no educational discrimination between males and females.

Sweden rigorously upholds international standards regarding working conditions, child labor, and occupational safety and health. At each work site there is a designated ombudsman to monitor observance of these regulations. Full-time employment is permitted beginning at age 16, and those under 18 may work only during daytime and under a foreman's supervision. Those between 13 and 16 years of age may be hired for part-time work or light summer jobs for periods of 5 days or less. There have been no reported abuses of these rules.

Institutionalized efforts continue to extend equality between the sexes through equal employment opportunity, legal protection of the right to equal pay for equal work, and public education to break down sexual stereotypes. A public ombudsman, called the Equality Ombudsman, investigates complaints of sex discrimination in the labor market. Employers are required to base hiring decisions on merit and to pursue actively the goal of equality.

Government practice and popular attitudes encourage a wide variety of cultural expression, both from native Swedes and

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immigrants. The latter enjoy the same welfare benefits and legal protection as citizens. The Swedish Government runs special programs to help immigrants adjust to Swedish life and culture (including 240 hours of paid language instruction). The Government recently announced that it intends to appoint a special ombudsman to deal with complaints of racism or discrimination. Civil and criminal penalties for discrimination will be increased.

SWITZERLAND

Switzerland is a constitutional democracy with a federal structure of government which gives individual cantons a considerable degree of autonomy. Federal legislative power is vested in a bicameral legislature elected by universal suffrage every 4 years. In spite of linguistic and religious diversity, Switzerland has built up a political system based on consensus in which all citizens have the right and the opportunity to express their opinions and yet work together toward common objectives.

Switzerland, a country with long and respected democratic traditions and institutions, has over the years built an admirable record with regard to human rights. Although under the Swiss Federal system cantons are directly involved in many human rights matters, this involvement is controlled and limited by Federal legislative and constitutional guarantees. All those who feel that their rights have been violated at the cantonal level can appeal for redress to the Federal courts.

Switzerland has traditionally provided facilities to many international organizations concerned with humanitarian affairs as well as extended support to refugees from around the world. Nine international trade secretariats are headquartered in Switzerland, as is the International Labor Organization.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

No such occurrences have taken place in Switzerland. However, a group apparently seeking the separation of the francophone portion of canton Bern claimed responsibility for a bomb explosion in front of the district courthouse in Moutier in September. There were no casualties.

b. Disappearance

There have been no reports of abduction, secret arrests, or clandestine detention.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution provides freedom from all of the above, and there have been no allegations of any violations.

d. Arbitrary Arrest, Detention, or Exile.

Freedom from arbitrary arrest, detention, or exile is guaranteed by law. A detained person may not be held longer than 24 hours without a warrant of arrest issued by the judge conducting the preliminary investigation. Once the warrant is issued, the individual may be detained as long as necessary until the investigation is completed. However, the length of investigative detention is always reviewed by higher judicial authority and, traditionally, investigations are completed within a very brief period. A suspect must immediately be shown the warrant under which he or she is being held, and he or she has a right to contact legal counsel as soon as an

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arrest warrant is issued. Bail, or release on personal recognizance, is traditionally granted, unless the examining magistrate believes the individual is a danger to society or will not appear for trial.

There is no forced or compulsory labor in Switzerland.

e. Denial of Fair Public Trial

The Constitution guarantees public trials. Minor cases are tried by a single judge; difficult cases by a panel of judges; and murder or other serious crimes by public jury. According to longstanding tradition, even the most serious cases are usually brought to trial within several weeks, or, at the most, a few months.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There have been no allegations of violations in this area by Swiss authorities.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

There are no restrictions of freedom of speech and press in Switzerland except in cases involving groups or associations considered a potential threat to the State. However, no groups or associations are so designated at the present time.

A peripheral issue involves the linguistic minorities, specifically the Italian and Romansch linguistic groups. Occasionally, these groups have expressed their fear that the limited resources made available to them by the Government endanger the continued intellectual vitality of these languages and amount to a deprivation of freedom of speech. The Government is fully aware of these concerns and has taken steps to meet them.

b. Freedom of Peaceful Assembly and Association

The only restriction Switzerland places on peaceful assembly and association is the requirement to obtain permits from police authorities before holding public meetings. These permits are rarely refused except in cases where the authorities have reason to believe that the meeting will lead to violence. Occasionally, demonstrations, mostly involving youth, have become violent, and there have been complaints of police overreaction. In the rare instances when this has happened, public opinion and the media have strongly reacted to abuses of authority and asked that steps be taken to avoid repetition of similar incidents.

Labor unions enjoy full freedom to organize, strike, and influence political decisions. Swiss labor relations have been characterized by industrial peace, and strikes and other labor unrest are practically unknown.

c. Freedom of Religion

Switzerland enjoys religious freedom. One area which, over the years, has caused difficulties, however, is the issue of universal military service by Swiss men. Swiss law provides

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no exemption for conscientious objectors, who are nearly always convicted for their refusal to serve. Efforts have been made to modify the Constitution in order to provide alternative service for those who wish to claim exemption for reasons of conscience. These efforts, so far unsuccessful, continue.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Swiss citizens have freedom to travel in or outside the country and can emigrate without difficulty. Switzerland has traditionally been a haven for refugees from many countries. Currently about 32,000 Swiss residents, the vast majority from Eastern Europe, Africa, and Asia, have permanent refugee status. In addition, over 22,000 persons have pending applications for political asylum. In recent years the traditional welcome to refugees has been tempered by the growing influx of asylum-seekers, whose presence has placed significant strains on public-supported social services. Overall, however, the Swiss people remain prepared to provide shelter and assistance to refugees, as reflected in Federal and cantonal governments' actions. Applicants who fail to meet the criteria for political asylum are required to depart Switzerland. On November 3, 1985, 59 Africans were expelled from Switzerland and flown to Kinshasa. Swiss authorities stated that it was impossible to determine their nationality with certainty since they carried false identity papers. Most were believed to be from Zaire.

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

Switzerland is a highly developed, constitutional democracy. Popular initiatives and referendums afford an effective instrument to the citizen, as well as the group, to pursue significant changes in policies through direct action. One of the 26 Swiss cantons still excludes female suffrage at the cantonal and local levels.

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

There were no requests during 1985 for outside investigations of the human rights situation. Switzerland cooperates with international and nongovernmental groups in all areas of human rights, and Swiss nationals play a prominent role in the International Committee of the Red Cross and other humanitarian nongovernmental organizations.

In its 1985 Report, Amnesty International continued to express concern over the imprisonment of conscientious objectors to military service and the lack of any alternative civilian service. Freedom House rated Switzerland "free".

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Switzerland has a total population of nearly 6.5 million with a growth rate of 0.1 percent. Per capita gross national product in 1983 was \$16,290. Unemployment, which until 1982 was practically nonexistent, has again fallen below 1 percent but remains a cause of concern.

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Health services are available and good. The infant mortality rate stands at 7.2 per 1,000 live births, and life expectancy at birth is 79.1 years (1985). Education is of high quality and free through university level. Access to universities, however, is closely controlled through tough entrance examinations. A recurrent complaint of the Italian-speaking minority is the lack of an Italian-language university in Switzerland. In 1985, plans were announced for the establishment in Lugano of an Italoophone Technical Institute, which would offer university-level training but not grant degrees. The adult literacy rate is 99 percent.

The minimum age for the employment of children is 15 years, except that children over the age of 13 may be employed for light duties, such as helping in retail stores. In this case, they are limited to 9 hours of work per week during the school year and 15 hours otherwise. Strict regulations govern the employment of young people between the ages of 15 and 20. For example, they may not work at night or on Sundays, or under hazardous or dangerous conditions.

There is no national minimum wage. Wages in industry are freely negotiated between employers and employees as part of the collective bargaining process between employer associations and labor unions. The Labor Act sets maximum hours of work at 45 hours for blue- and white-collar workers in industry, offices, and the retail trade, and 50 hours for all other workers. Currently the workweek for blue-collar workers in most industries is 43 hours, and for white-collar workers between 40 and 43 hours. Overtime is restricted by law to 220 hours annually.

Both the Labor Act and the Federal Code of Obligations contain extensive regulations to protect the health and safety of workers. Special provisions exist for female workers, who may not be employed for dangerous work or, in most cases, at night.

About 15 percent of the population is made up of foreign workers and their families. The Government has taken steps in recent years to limit the number of foreign workers coming into Switzerland or obtaining residence permits. Real estate acquisition by foreigners is strictly controlled and has at times been the object of concern. The Government and cantonal authorities have also started to look into the need to integrate foreign workers and their families into Swiss social services programs. In times of economic difficulties and unemployment, Swiss nationals in some areas of the country resent any additional facilities provided to foreign workers.

Women still are subject to some legal disabilities, reflecting their traditionally subordinate role in Swiss society; however, recent years have seen steady progress toward political equality.

Women's limited involvement in the Swiss political and business worlds is expanding slowly. The 25 women elected to the Federal Parliament in 1983 represent 10 percent of that body, while women constitute 51 percent of the population. Since 1984, a woman has served on the seven-member Federal Council, the nation's governing executive body.

A major advance in 1985 was ratification by referendum of a new Marriage Law, which grants wives equal legal status and property rights. On the other hand, Swiss women are still

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paid less than men for equal work and remain underrepresented in senior positions in industry, banking, and government.

The Federal Government has been careful in the apportionment of funds to try to ensure that all linguistic groups have commensurate facilities and means to carry out cultural activities in their own language. However, the small (50,000) Romansch-speaking minority in 1985 issued a call for greater support, particularly in the areas of education and mass communications, in order to reverse a persistent historical decline in Romansch usage.

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Turkey is a republic based on a multiparty parliamentary system and a strong presidency. Governments are elected by universal suffrage. The Government of Prime Minister Ozal asserts that democratic civilian rule returned to Turkey with the 1983 parliamentary elections. Opposition critics challenge that claim, saying that the military arbitrarily barred some parties and politicians from participating. The Government responds that the Motherland Party won despite the publicly expressed opposition of the military and points out that it earned a clear plurality in the 1984 nationwide local elections in which all legal parties participated freely. The merger of two of the existing political parties, the formation of a new party, and the preparations for by-elections in the fall of 1986 are contributing to the restoration of normal political activity and full democracy.

The Turkish National Police are responsible for maintaining public order in most of the country. In martial law areas (9 out of 67 provinces compared to 34 out of 67 at the end of 1984) military authorities oversee security through the Gendarmerie, which functions as the police in rural areas. These nine provinces are in eastern Turkey where government forces are under attack by Kurdish separatist insurgents.

Turkey is moving from a closed economy dominated by the state sector to a free market, export-oriented economy. Although the rates of inflation and unemployment are still high, the economy under the Government's structural adjustment program has made substantial advances. Both the level of exports and the gross national product increased significantly in 1984-85.

Restrictions have been placed on the activities of associations and unions, and on organic links between trade unions and political parties. There are no restrictions on the rights of Turkish citizens to own property. The Constitution, by implication, regards all citizens of Turkey as Turks; it does not permit the separate ethnic development of those minorities not given special status by international treaty. Although women generally enjoy the same legal rights as men and have risen to prominent positions in many fields, in some districts, especially rural ones, their level of education and social status is far inferior to that of men. Turkey is, by far, the poorest member country of the Organization for Economic Cooperation and Development, and many of its citizens live in a relatively depressed economic state.

The overall status of human rights in Turkey in 1985 showed continuing improvement, but there are important shortcomings. Chief among the latter is the persistence of credible reports of torture, usually at the hands of poorly educated police officials during initial periods of incommunicado detention. Politicians and the press have publicized allegations of torture. A parliamentary report released in November 1985 recommended that the Government introduce legislation to put more teeth into its laws against torture, although several hundred security officials, according to official sources, have been prosecuted and punished for acts of torture. The press has publicized domestic and foreign criticism of human rights practices and has publicized the views of banned politicians with increasing frequency. With a few notable exceptions, most of the mass trials of recent years have concluded with substantial numbers of both convictions and

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acquittals. In general, human rights trends in Turkey continue to move in a positive direction.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There were no accusations of government-instigated political killings in 1985.

Some 125 armed clashes occurred between government security forces and separatist terrorists. In an October 16 statement to the Parliament, the Interior Minister noted that a total of 59 soldiers and 108 insurgents had been killed to date. There have also been about 74 civilian deaths related to the conflict since August 1984. As of August 1985, the Government reported that 272 persons were under detention, 133 were being questioned, and 186 were on trial in connection with this conflict.

The Turkish General Staff (TGS) describes the insurgents as "terrorists/separatists" whose aim is to establish a separate Kurdish state incorporating parts of Turkey, Iran, and Iraq. Drug smugglers, Armenian terrorists, and Kurdish guerrillas operating from bases in Iraq, Iran, and elsewhere are also involved in the incidents, according to the TGS.

The Government has mounted a security operation aimed at ending the violence. According to press accounts, Turkish forces have established a "no-man's land" in some border areas to control infiltration from neighboring countries. The inhabitants of some small villages reportedly were compulsorily relocated as part of that effort, and the Government has undertaken to arm civilian villagers in the affected areas.

b. Disappearance

There were no known disappearances caused by either the Government or opposition groups in Turkey in 1985.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution states that "no one shall be subjected to torture or ill-treatment incompatible with human dignity." However, the treatment of prisoners, especially during the initial pretrial detention period, remained an unresolved human rights issue for Turkey in 1985. Allegations that prisoners are subjected to torture and mistreatment in prisons and detention houses were made throughout the year by parliamentarians from within the ruling party, opposition political parties, the press, and outside groups which monitor human rights practices in Turkey.

The subject of torture was much more widely and publicly discussed in Turkey in 1985 than in 1984. Two opposition parties formed a joint committee to study human rights transgressions, including the practice of torture, and parliamentary deputies from one of these parties demanded that the Government investigate a number of alleged instances of

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torture by police officers, including 113 deaths of detainees under questionable circumstances over the past several years. Eleven of the persons on the list allegedly died in 1985. Newspapers and news magazines carried both lengthy studies of the torture issue as well as investigative accounts of specific incidents, including the results of medical reports and the comments of responsible officials. In addition, a parliamentary committee to investigate prison conditions, composed of representatives of all three parties in Parliament, submitted its report to Parliament in November. The report concluded that while some allegations of torture were clearly political in nature, torture did in fact continue to occur. The committee made a number of recommendations to the Parliament for acts of legislation to redress some of the problems it reported.

During 1985 a number of defendants claimed that they had been tortured during pretrial interrogation. The press reported several of these, including the so-called Kapikule Trial (involving former customs officials), a trial involving alleged members of a Communist organization, and a case against alleged members of an armed revolutionary group (Dev Sol), in which lawyers collectively petitioned the court to protest the treatment of the defendants. Turkish officials assert that such claims are generally proven groundless but are now made almost routinely in trials involving terrorists or drug smugglers, because the defendants can thereby retract any statements made outside of court and perhaps gain international attention.

In its May 1985 Report, Amnesty International charged that torture was "widespread and systematic" in Turkey. The Government responded that the organization had raised old, not current, incidents, and that, while occasional cases of mistreatment unfortunately still occurred, the perpetrators were punished.

In September, the Ministry of Justice published statistics on the number of security officials who have been prosecuted for mistreatment of prisoners since the 1980 military takeover. According to Ministry figures, investigations have been opened into accusations of torture involving 4,623 civilian security officers. Of these, 2,052 defendants have been acquitted, 439 have been found guilty, and charges against 410 have been dropped. The remainder are still under investigation. From among the 624 cases that involved martial law authorities, some 105 persons have been found guilty.

The Ministers of Justice and Interior have made public statements condemning the mistreatment of prisoners. In January, the High Appeals Court issued a judgment that those convicted of torturing a prisoner face a maximum 3-year sentence. Those found guilty of murder receive longer sentences appropriate to murder convictions. Another appeals court also ruled in January that supervisory officials who observe the mistreatment of a prisoner and take no corrective action are also subject to prosecution.

Many Turks link the mistreatment of prisoners to widespread public acceptance of the notion that the police should enforce public order by whatever means necessary. Other contributory factors include the generally low educational level of police personnel and the lack of adequate training. The Government has publicly recognized the latter problem by taking steps to

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upgrade the police force, requiring secondary-level education for new recruits, and organizing special courses to instruct policemen as to their responsibilities and the limits on their powers under the law.

d. Arbitrary Arrest, Detention, or Exile

The Constitution requires a warrant for any arrest, except in certain limited circumstances, e.g., when a person is caught redhanded. The Police Powers Act of June 1985 reduced from 48 hours to 24 hours the time within which a person taken into custody must be charged or released. This provision was applied to 2 police officers in Giresun Province who were under indictment as of October 1985 for detaining 2 suspects for 37 hours without a warrant and for beating them. The Law did not change the period of detention without charge (15 days) in cases of "offenses committed collectively."

In the 9 provinces under martial law or the 16 under state-of-emergency rule, an individual may be detained without charge for 15 to 30 days. Martial law authorities do not need warrants to detain suspects. Martial law commanders, subject to prescribed judicial procedures, may impose "internal exile" for up to 5 years on individuals believed to be acting against the "general security and public order." No such cases were reported in 1985.

Once taken formally into custody to face charges, a detainee appears first before a public prosecutor. The prosecutor informs the detainee of the suspicions or accusations which led to the warrant for his arrest. If the prosecutor decides to pursue the case, the detainee is arraigned before a judge and allowed to retain a lawyer. The judge decides whether to have the accused held in detention or to permit provisional release during the pretrial investigative period.

In all cases the authorities may hold a detainee *incomunicado* within the prescribed time limits until he is charged or released. According to the Police Powers Act, a detainee's next-of-kin will be notified in "the shortest time," except in cases where secrecy is deemed necessary, such as when others are believed to be involved in a given crime. A detainee may not have access to a lawyer until he is brought before a judge. However, a bill has been submitted in the Parliament which would require that all arrested persons must be given immediate access to a lawyer.

The system of justice includes a bail system under which the arraigning judge may release the accused on presentation of an appropriate guarantee, or order him held in preventive detention if the court determines that there is a risk that he may flee or destroy evidence. While Turkish law has no specific provision for habeas corpus, the Constitution includes the right of detainees to request speedy conclusion of arraignment and trial, or release "if the restriction placed upon them is not lawful." Especially in mass trials, the speed with which court proceedings are concluded or provisional release is granted is not so rapid as constitutional provisions would suggest. Indeed, due process provisions of Turkish jurisprudence often tend to prolong both civil and criminal cases.

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The Constitution prohibits forced labor. Turkish judicial authorities, both civil and martial law, have the power to impose sentences of internal exile.

e. Denial of Fair Public Trial

In most cases, defendants have the right to an open trial. Family members and lawyers may attend the trial. Members of the public and press are also usually free to attend. In some trials, particularly those held in military prisons or on military compounds, members of the public must seek permission to attend. The authorities usually grant such permission.

The Constitution accords a defendant the right to retain the lawyer of his choice. In September 1985, however, the press reported that the President of the Turkish Union of Bar Associations had charged state security courts and military courts with depriving defendants of legal counsel by excluding defense lawyers from court hearings on various technical grounds.

Although Turkey is overwhelmingly Muslim, its court system and judicial procedures are modeled on the Swiss and Italian systems. There are no Shari'a (Islamic law) courts.

The Constitution declares that "judges shall be independent in the discharge of their duties" and provides for their secure tenure. It also states that no authority may give orders or recommendations to judges concerning the exercise of judicial power. The Supreme Council of Judges and Public Prosecutors, appointed by the President and including the Minister of Justice, selects judges and prosecutors for the higher courts and oversees those of the lower courts.

People tried for the expression of views critical of the Constitution or of the integrity of the Turkish State are charged under Criminal Code articles specifically relating to the expression of such views. Their trials take place in one of eight state security courts which deal only with trials of this type.

In provinces under martial law, all defendants accused of terrorism or other offenses against the security of the State are tried in military courts. Martial law judges normally have law degrees and observe the same professional standards as criminal judges. They may not be transferred at the discretion of military commanders. In provinces under a state of emergency, civilian courts try cases.

Civilian and military courts generally conduct trials under the same rules of procedure, based on the Constitution or martial law regulations, respectively. A conviction in either system may be appealed to the appropriate civilian or military appeals court. If an appeals court overturns a lower court's guilty verdict, the case is sent back to the lower court for reconsideration. If the lower court insists on its original verdict, the case is returned to the Joint Council of the Appeals Court for a binding verdict. In some cases, particularly capital cases, appeals are automatic to the Supreme Court or to the High Court of Military Appeals. If a death sentence is confirmed by the appeals court, it must be approved by the Parliament, and, finally, by the President.

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Certain trials, such as the trial of leaders of the Confederation of Revolutionary Trade Unions (DISK) and those in the first Peace Association case, have continued for up to 4 years. The DISK defendants (except for five held on other charges) and one-third of the Peace Association defendants are free on bail, but it is not clear when either trial will end. It is not unusual for mass trials to last 4 years or more, with defendants being held in custody during most or all of the trial.

Estimates of the number of political prisoners held in Turkey's jails during 1985 vary greatly with the source and the source's definition of a "political prisoner." The Prime Minister was quoted in April 1985 as stating that there were no political prisoners--only anarchists--in Turkish prisons. Figures published in the press list over 3,600 convicted persons serving prison sentences for crimes against the security of the State, crimes against security forces, or for belonging to armed organizations. Many of these were convicted of crimes of violence. Of that total, 1,700 belonged to the last category. Several thousand other people were incarcerated while under investigation or undergoing trial for similar alleged offenses.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution guarantees the inviolability of a person's domicile and the privacy of correspondence and communication. Entry by government officials into a private residence and interception or monitoring of private correspondence are permitted only upon issuance of a judicial warrant.

In the nine provinces still under martial law, the authorities have the legal power "without need for a warrant, application, or request...to search residences, or buildings of all societies, associations, political parties, unions, clubs, business locations, or offices belonging to or occupied by juridical as well as private bodies." They also may search, hold, or seize without warrant persons, letters, telegrams, and documents. There is no evidence that this power is widely used or abused, nor are there allegations or evidence of widespread use of electronic surveillance.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

There was much greater freedom of expression in every medium in Turkey in 1985 than had been the case in 1984. Discontinuation of martial law in November 1985 in Istanbul removed a major restraint on freedom of the press.

The now-dissolved National Security Council promulgated a law in December 1983 which banned all criticism of the decrees, communiques, and actions of that body and its members. The same law also proscribed all statements praising or condemning leaders of banned (pre-1980) political parties. In practice, however, public disregard of that law has become increasingly commonplace. The President and members of the Presidential Council, who formerly comprised the National Security Council, have declared that they will not object to the publication of the minutes of their secret meetings during the period 1980-83, if the Parliament agrees.

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The press in Turkey is privately owned and reflects a wide range of political views. Turkish Radio and Television (TRT), however, is a government monopoly, and the lion's share of its news coverage is traditionally devoted to the ruling government. Opposition political parties have harshly criticized TRT's programming and news coverage for ignoring their political parties.

In 1985, the press enjoyed nearly complete freedom to discuss current political and economic issues. Some topics, however, which usually involved criticism of security policy and those responsible for it, were taboo. When two foreign playwrights discussed human rights in Turkey with the press in Istanbul, martial law authorities forbade publication of the story. In addition, the State prosecuted a number of journalists and writers for violations of laws limiting criticism of the previous (military) government, for violating Turkey's secularist principles or for writing pro-Communist propaganda. For example, Professor Yalcin Kucuk, who is not imprisoned, is now facing his fourth retrial on charges that his book, "For a New Republic", was Communist propaganda.

Fifty-six prominent intellectuals, who in 1984 signed a petition to the Government concerning human rights, remain on trial in Ankara, though all are free. Also, on November 12 the Military Supreme Court of Appeals struck down the acquittal earlier in the year by a lower court of 19 members of the Turkish Writers Union. They were charged with seeking to turn the union into a Communist organization. In late December, the lower court reaffirmed the verdict of acquittal. All defendants remain free at this time.

Martial law authorities may, and occasionally do, ban the import or sale of any publications or films which are deemed to be hostile or harmful to Turkey. Such bans apply most often to pornography and to what is deemed to be Communist or religious (usually Islamic fundamentalist) propaganda.

The right of indigenous minority groups to use their own languages is also limited. The Constitution states that the official language of the country is Turkish. Although one article bans discrimination on the basis of language, others prohibit the public use of "languages prohibited by law." However, legislation has never been enacted prohibiting specific languages. The Government has stated that the intent of these articles is to foster Turkish as the language of all citizens for all uses, as part of its effort to inculcate in all Turkish citizens a sense of identity with the Turkish state and nation as opposed to identification with any particular groups within the nation. There are four main ethnic groups in Turkey whose native language and/or culture is not Turkish: Kurds, Arabs, Armenians, and Greeks. The Treaty of Lausanne guarantees the use of Greek and Armenian in schools and religious education. The Government honors that guarantee. In practice, the severity of restrictions on the use of a minority language appears to depend on the perceived threat the group in question presents to the integrity of the Turkish State. For example, the use of Kurdish, which the Government believes fosters separatist tendencies, is severely restricted. Use of Arabic, about which there are no such concerns, is not similarly restricted.

The State operates all Turkish institutions of higher education. Partly as a result of political violence emanating

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from university campuses in the late 1970's, the Government has moved since 1980 to bring universities under tight, centralized control through a Higher Education Council. The Constitution and the Political Parties Law prohibit faculty members and students from becoming members of political parties or involved in political activities. Thus, faculty or student political associations of any type are banned, and political parties are also forbidden to form youth branches.

Some faculty members who were fired when martial law was in effect throughout the country have unsuccessfully petitioned the Higher Education Council for reinstatement. There is a court case pending to determine the constitutionality of the earlier dismissals.

b. Freedom of Peaceful Assembly and Association

Peaceful assemblies are permitted with prior permission from the appropriate authorities. In the provinces still under martial law, this permission must be obtained from martial law authorities. In 1985, before the lifting of martial law in Istanbul, permission was given for a large rally to protest Bulgaria's oppression of its Turkish minority. In addition, the left-of-center Social Democracy Party held a mass meeting in Istanbul to protest government policies, and the Turkish Trade Union Confederation (TURK-IS) held several indoor rallies.

Updated regulations on rallies and demonstrations were published in the official gazette on August 9, 1985. According to the regulations, marching routes, rally areas, crowd dispersion routes, and poster-hanging locations are to be fixed for each city in January of each year.

The laws on associations and trade unions prohibit all associations and trade unions from having any ties to political parties. The trade union law and the Constitution also prohibit any political activity by trade unions, including the endorsement of parties or candidates and contributions to their campaigns. However, trade union activity in the defense of workers' social and economic interests is not considered political activity. The unions have taken advantage of this exception to mount strenuous public campaigns against various government policies and to lobby government and opposition parliamentarians in support of labor positions. Those unions and confederations which are organized in accordance with the 1983 Labor Law have been allowed to organize workplaces freely.

DISK, which was suspended under martial law in 1981 and whose leaders have been on trial since December 24, 1981, has not been allowed to reorganize pending the outcome of the trial. The DISK leaders are charged with "trying to change the form of government" and with "interfering with the work of the Parliament." Some defendants are charged with culpability in acts of violence. All defendants are free on bail, but the organization and its funds remain under the control of court-appointed trustees.

Although only a small percentage of Turkey's total work force of some 16 million is organized, over 60 percent of industrialized workers are union members covered by collective bargaining agreements. As a result, unions have a significant impact on the economy, especially on its work rules and wage

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structure. While the 1983 Labor Law strictly regulates the bargaining process and makes general strikes, political strikes, and solidarity (secondary) strikes illegal, unions are nevertheless able to represent their workers, engage in collective bargaining, and are beholden to their members' interests, not the Government's. (Strikes against companies established in the newly created free trade zones are also forbidden for 10 years, during which period both employers and unions must accept binding arbitration.) Turkish unions and confederations maintain ties with the International Labor Organization (ILO), the International Confederation of Free Trade Unions (ICFTU), and other bodies.

Both the ILO and the ICFTU have closely monitored the situation of organized labor in Turkey since the military intervention of September 12, 1980. ILO reports have noted the increase in government cooperation as well as some improvements on the outstanding issues; however, the continuing DISK trial remains a major concern, as do some restrictions on trade unions (for example, on political activities). The ICFTU has followed the DISK trial closely, although DISK is not an ICFTU affiliate, and has urged the Government to amend its labor laws and Constitution along the lines urged by Turkey's largest union confederation, the ICFTU-affiliated TURK-IS.

c. Freedom of Religion

The majority of Turks are Sunni Muslim. There is also an eclectic minority "Alevi" group made up of adherents to different varieties of Shi'ism.

The Constitution proclaims secularism to be a basic characteristic of the state. The political and military elites regard the principle of secular government as an essential attribute of a modern, Western-style, democratic system. Stringent constitutional and legal restrictions on religious activism in politics hinder the efforts of a small minority of Islamic fundamentalists who advocate a greater role for Islam in Turkish political life, if not the establishment of a state based on the Shari'a.

The Constitution stipulates that "everyone has the right to freedom of conscience, religious belief, and conviction." Constitutional and legal restrictions which are intended to protect the principle of secularism and separation of church and state limit that right significantly. For example, during the early years of the republic, the State suppressed certain Sufi brotherhoods, including the Dervish orders. In 1985 the Government charged some members of one such order with antiseccularist activities. The trial stimulated lively debate on religious orthodoxy and its proper place in contemporary Turkey.

The Criminal Code proscribes advocacy of a theocratic state or proselytizing by any person or group. Twenty-three Turkish Jehovah's Witnesses were convicted in 1984 for proselytizing and for allegedly advocating institution of a theocratic state and were sentenced to prison terms of up to 6 years and 8 months. Although their convictions were overturned by an appellate court in July 1985, they were reaffirmed by the court of first instance and are now awaiting final adjudication. All of the defendants are free pending result of the final appeal.

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The Political Parties Law prohibits the establishment of any political party advocating theocracy or the foundation of law and government, even partially, on religious principles. Several former administrators of the now-dissolved National Salvation Party, convicted in 1983 of "turning a legally established party into a front working for the establishment of a regime based on theocratic principles," were acquitted by an appellate court in September 1985.

Under the Constitution, Islamic religious instruction, following a state-prepared curriculum, is compulsory for all students except those who declare themselves non-Muslim. The courses of about 2 hours per week are taught by lay teachers. Extracurricular Koran courses using government-approved texts are permitted.

Armenian Orthodox, Greek Orthodox, Greek Catholic, Jewish, Syrian Christian, Roman Catholic, and Protestant religious minorities are found throughout Turkey but are primarily concentrated in Istanbul. These groups operate churches, monasteries, synagogues, schools, and charitable religious foundations, such as hospitals and orphanages. Guarantees of minority rights, beyond those contained in the Constitution, are included in the Treaty of Lausanne (1923), which provides that non-Muslim minority communities may maintain separate schools for their children.

Non-Muslim minority groups have repeatedly complained about government policies and procedures concerning the operation of community schools, the formation of parish councils, and the registration and repair of church property. Government claims on property endowed by religious charitable organizations have also been cited as a major concern. There were complaints in 1985 about a government ruling that a 1984 law, which permits religious foundations to increase property rents, applies only to Muslims. Of continuing concern to some non-Muslim religious communities is the dearth of new clergy. The lack of clerics for these communities stems partly from the closure of some seminaries and partly from the inability of the communities to generate enough candidates for the religious life from their indigenous populations.

The Greek Orthodox community is concerned about its inability to obtain permission to rebuild a part of the Patriarchate administration building, although some progress was made on this issue in 1985. Relations between the Church and the Government were improved when Archbishop Iakovos, the Primate of the Greek Orthodox Archdiocese of North and South America, was permitted to visit Turkey in 1985. Iakovos had not been allowed to enter Turkey since 1961.

A dispute between the Greek community and the Government arose in May 1985 over alterations to a Greek Orthodox church in an Istanbul suburb which the Greek community claimed was protected by the Treaty of Lausanne. The Government asserted that the alterations were necessitated by a compelling public need for road-widening and did not prevent continued use of the church for religious services. Further, the Government pointed out that several mosques were razed in a similar project. The alterations have now been completed.

The daily use of languages other than Turkish by non-Muslim religious minorities, such as Greek, Armenian, Hebrew, and Arabic, in religious services is allowed but is declining.

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d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There is general freedom of movement within Turkey, except in the nine provinces under martial law where authorities have the seldom-used power to restrict movement. Martial law authorities may expel "persons whose presence in the martial law area is determined as prejudicial," or restrict and prohibit their residence in, or entry into, certain areas under martial law. Some border areas are off-limits to foreigners who have not been given specific permission to visit them.

Turks are free to travel abroad, and increasing numbers have done so since currency controls were relaxed.

Turkish law guarantees citizens protection against deportation, extradition, or denial of reentry. The Constitution guarantees the rights of Turks and their families living abroad to return home. However, under the provisions of Turkish citizenship law, the Government may deprive of their citizenship Turks who have refused to return to Turkey to face criminal charges there or who have been determined to have expatriated themselves.

Turkey has permanently resettled about 4,500 Afghan refugees in recent years and provides a temporary haven for Eastern European refugees in two temporary settlement facilities. The Government does not grant refugee status to Iranians.

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

Turkey has a multiparty presidential parliamentary system. The president is elected by Parliament for a single 7-year term. He has broad executive powers. The current President, whose election was automatic with the approval of Turkey's new Constitution in the 1982 referendum, is retired General Kenan Evren, former head of the Turkish General Staff and the National Security Council which ruled Turkey during the period of military rule.

The unicameral Parliament has 400 seats elected on a proportional basis. The Election Law provides that a party must obtain at least 10 percent of the vote in order to win seats in the Parliament. The 10 percent threshold is intended to prevent political fragmentation and recurrence of the parliamentary paralysis of the late 1970's.

Prime Minister Turgut Ozal's Motherland Party retained its parliamentary majority throughout 1985. Two opposition parties and some independents made up the balance.

Several changes occurred in 1985 as Turkey moved toward full political democracy. These included the formation of a new political party, the merger of two opposition parties, one of which was not represented in the Parliament, the acquittal of 20 former officials of the banned rightwing National Salvation Party, and increased press coverage of the views of politicians constitutionally banned from political activity.

Besides the continuing political ban on leadership figures of the pre-September 1980 political system, restrictions on political activity include the barring of certain groups from

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operating independently in the political arena, for example, the ban on political parties which advocate a theocratic state. Furthermore, no party may advocate the superiority or dictatorship of a particular social class or group, or "exclusive" or "elitist" political philosophies, and no party may be formed around a particular ethnic or cultural group. Prohibited political groupings also include a Communist or other Marxist party based on class or a Fascist "elitist" party. Any of these is regarded as inimical to a Western-style democratic society and threatening to Turkey's fundamental integrity. People considered Communists or Fascists by the authorities are banned from membership in any party. Other groups permanently banned from joining or actively participating in political parties include active members of the armed forces and certain categories of civil servants--a prohibition based on the pre-1980 politicization of government and security structures.

The Constitution guarantees equal political rights for men and women. Turkey was one of the first countries to grant women full, equal political rights. There are 12 women members of Parliament, and several women hold important positions in party hierarchies, although the present 22-member Cabinet has no women members.

Members of minorities, Muslim and non-Muslim, face no legal limitations on political participation as long as they accept a Turkish national identity. The small numbers of most minorities, however, limit their ability to play a major role in politics. Kurds do play a large role in Turkish political life, again on the condition of their acceptance of Turkish nationality. Dozens of members of the Turkish Parliament are of Kurdish ethnic background.

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

The Government permitted visits by foreigners to discuss human rights in Turkey during 1985 and in most cases facilitated attendance at trials and contacts with officials. Visitors to Turkey in 1985 included rapporteurs from the Council of Europe (COE) and the European Parliament (EP), a delegation from the European Human Rights Commission, and representatives of the international writers' organization, PEN. In December, representatives of the U.S. Helsinki Watch Committee visited Turkey and had extensive meetings with Turkish officials, including Prime Minister Ozal. Although the ILO did not visit Turkey in 1985, in reviewing the report of its 1984 contact mission (the third such mission in as many years), it noted the cooperation it had received from the Government.

Amnesty International met with officials of the Turkish Government outside of Turkey but sent no official request for a visit to Turkey in 1985. There is no Amnesty International branch or any other domestic human rights organizations known to be operating in Turkey.

The Council of Europe in 1985 continued to pay special attention to the human rights situation in Turkey. In resolutions passed in April 1985, the Council cited the progress that Turkey had made but expressed concern over the continuation of martial law and the existence of the death sentence.

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The European Parliament also concerned itself with Turkish human rights questions in 1985. In October, on the basis of a report prepared by a British Labor Party member serving on the Political Committee, the European Parliament voted not to renew its official ties to the Turkish Parliament. It cited the use of the death penalty, the continuation of the DISK trial, and the existence of torture as reasons for its decision. Some parliamentarians who opposed the decision charged that it was taken more for political than for human rights reasons. In an official response, the Turkish Foreign Ministry took issue with the veracity of the report upon which the vote was taken, charging that the author was "prejudiced" and the report was "distorted" and "full of groundless accusations."

In 1982, five nations--France, The Netherlands, Denmark, Sweden, and Norway--brought a formal complaint against Turkey before the European Human Rights Commission for breaches of the European Convention on Human Rights. The complaint cited violations of articles concerning treatment of prisoners and civil rights for the period September 1980 through July 1982. On December 9, the parties reached a "friendly settlement" which included among its provisions a commitment by Turkey to issue instructions to all public officials to observe human rights principles and to make periodic reports on the measures adopted to ensure effective protection of human rights.

In its 1985 Report (covering the year 1984), Amnesty International continued to be concerned about the imprisonment of a considerable number of prisoners of conscience and about widespread and systematic torture and ill-treatment of political prisoners. It was also concerned about the effects of inadequate access to lawyers and the use of confessions allegedly induced by torture on the fairness of trials before military courts. Freedom House rated Turkey "partly free."

ECONOMIC, SOCIAL AND CULTURAL SITUATION

Unofficial, preliminary reports of the just-completed national census show the population of Turkey in 1985 at about 51.4 million, with an annual growth rate of 2.8 percent. This compares with World Bank estimates of a population of 50,661,000 and an annual growth rate of 2.3 percent. In 1983, per capita gross national product (GNP) was approximately \$1,230.

The Turkish economy has made substantial advances under the economic structural adjustment program begun in January 1980 in consultation with the International Monetary Fund, the World Bank, and the Organization for Economic Cooperation and Development. Through a combination of monetary and fiscal policies, export incentives, and realistic exchange rates, the stabilization program has promoted a more efficient, export-oriented economy, less dependent on a highly protected domestic market. The Ozal Government has continued the basic policies of the structural adjustment program and has introduced new measures, such as import liberalization, designed to make Turkish industry more competitive in the world market. The economy has generally responded positively to these policies. In 1984, real GNP is estimated to have increased by 6 percent, and exports were up by 24 percent in dollar terms. Inflation and unemployment, however, continued to be problems. The wholesale price index rose by 50.3 percent in 1984 and is expected to increase by about 35

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percent in 1985. Estimates of unemployment range from 16 to over 20 percent.

Turkey has substantial agricultural resources which fulfill most of its food requirements and permit some exports. In 1977, caloric supply as a percentage of the total minimum requirement was 118.6 percent. Safe water was available to 95 percent of the urban population and 62 percent of the rural population, according to estimates made in 1980.

Basic medical care is available to most of the population (with the possible exception of a few provinces in the southeast), regardless of income. Life expectancy was 64 years, and infant mortality in 1985 was estimated to be 90 per 1,000 live births. Primary schooling is compulsory, although not universally available. University tuition is heavily subsidized. In 1980, the literacy rate for the general adult population was estimated to be 68.8 percent--83.2 percent for adult males and 53.4 percent for females.

The Constitution guarantees the right to reasonable conditions of labor suited to the worker's age, sex, and capacity, and grants the right to rest and leisure and a "fair wage." The labor law forbids the employment of children under 13, and restricts children under 15 to "light work which will not harm their health and physical development, prevent their attendance at occupational training and orientation programs, or their ability to benefit from education." Children between 15 and 18 years of age may not be employed in underground or underwater work, nor may they be employed at night. Girls and women may not be employed in underground or underwater work, but, if over the age of 18, may work night shifts under conditions specified jointly by the Ministry of Health and Social Welfare and the Ministry of Industry and Commerce. A board composed of government, private sector, and labor representatives establishes national minimum wages for the agricultural and nonagricultural sectors. The labor law provides for a 7.5-hour day and a 45-hour workweek. Acceptable conditions of work are both guaranteed by the Constitution and sought after by the workers, though there remains a considerable gap, especially in the area of occupational safety and health, between society's goals and laws, on the one hand, and actual practice on the other. The trade unions have repeatedly complained that existing regulations governing health, safety, and working conditions are not adequately enforced.

Turkey has long been in the forefront of Muslim nations in the promotion and protection of women's rights. Although some conservative elements in Parliament and in society at large have resisted advances in women's rights, President Evren has been a consistent champion of equality for women. Women have full suffrage, occasionally attain high public office, and are represented--albeit not always in significant numbers--in all Turkish professions and institutions. Women have served or are currently employed at the rank of university rector and dean, ambassador, political party vice president, and army colonel. Turkish businesswomen play significant roles in many industries, and a few sit on the boards of some of Turkey's largest private firms. Female lawyers and judges are no rarity, and female doctors are dominant in some specialties.

Despite government policies to promote and protect women's rights, the role of women in smaller communities and rural

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areas, especially in the southeast, is still defined by centuries of traditional practice. Many women and girls in the southeast are still partially or fully veiled. Prevailing cultural values make it difficult for some women to receive primary or secondary education or to pursue careers outside of the home.

It is a longstanding cultural policy of the Turkish State, supported by most Turks, that all the citizens of Turkey are "Turks" and use the Turkish language. This policy derives in large part from attempts to partition Turkey after World War I with the aim of establishing independent ethnic states on the territory of what is now the Turkish Republic. The wariness of Turkish governments toward groups which emphasize ethnic identity has since been reinforced by the activities of separatist movements inspired from outside and within Turkey--movements that frequently promoted terrorism and anarchy. As a consequence, the Turkish Government aims at the assimilation of individuals of non-Turkish ethnic backgrounds into the mainstream of Turkish society and culture. In order to further this objective, the Government has forcefully discouraged manifestations of ethnic differences, in some cases by law; for example, the use of languages other than Turkish for certain purposes is prohibited.

The separatist terrorist activities in Kurdish areas have posed the most serious challenge to the nationalities policy of successive Turkish governments. Complicating the issue is the fact that ethnic Kurds constitute a significant proportion of the population within the provinces in which they are concentrated. These provinces also include Turkey's poorest and least developed areas. Successive governments have recognized this situation and launched major programs for rural electrification, power plants, and irrigation to generate employment and income for the region. In 1985, both the President and Prime Minister traveled to the southeast to underscore the Government's commitment to the development of that region.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: TURKEY

	1983	1984	1985
I.ECON. ASSIST.-TOTAL...	286.0	139.5	175.9
LOANS.....	85.0	63.5	85.0
GRANTS.....	201.0	76.0	90.9
A.AID	285.0	138.5	175.0
LOANS.....	85.0	63.5	85.0
GRANTS.....	200.0	75.0	90.0
(SEC.SUPP.ASSIST.)...	285.0	138.5	175.0
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN \$-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	1.0	1.0	0.9
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.0	1.0	0.9
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	1.0	1.0	0.9
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	402.8	718.3	703.6
LOANS.....	290.0	585.0	485.0
GRANTS.....	112.8	133.3	218.6
A.MAP GRANTS.....	110.0	130.0	215.0
B.CREDIT FINANCING....	290.0	585.0	485.0
C.INTL MIL.ED.TRNG....	2.8	3.3	3.6
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	688.8	857.8	879.5
LOANS.....	375.0	643.5	570.0
GRANTS.....	313.8	209.3	309.5
OTHER US LOANS.....	0.0	70.5	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	70.5	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1983	1984	1985	1946-85
TOTAL.....	676.8	945.2	705.6	7214.0
IBRD	669.4	794.3	698.5	5928.6
IFC	5.3	150.0	7.1	402.9
IDA	0.0	0.0	0.0	178.1
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNOP	2.1	0.9	0.0	67.7
OTHER-UN	0.0	0.0	0.0	11.7
EEC	0.0	0.0	0.0	625.0

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According to the Soviet Constitution, the Soviet Union (U.S.S.R.) is "a socialist state of the whole people, expressing the will and interests of the workers, peasants, and intelligentsia, and the working people of all nations and nationalities of the country." In fact, the U.S.S.R. is a one-party centralized State in which the leadership of the Communist Party, a self-perpetuating elite assisted by the repressive measures of the secret police, attempts to direct all aspects of public life, to interfere significantly with what in the West would be considered private life, and to prohibit the development of independent centers of political or ideological influence. There was no evidence of change in this pattern of repression in 1985.

The Committee for State Security (KGB), police authorities, and prosecutors' offices are charged by the party with enforcing compliance by the population with policy decisions, directives, and legislation. They do so in large part by instilling fear among dissenters and potential dissenters.

The highly centralized economy has been growing at a decelerating rate in recent years. Production and distribution bottlenecks, low productivity, and poor quality consumer goods continue to characterize an inefficient economy.

Soviet performance in the realm of human rights fails to meet even the most elementary of accepted international standards. The Constitution formally provides for most internationally recognized human rights and guarantees the right to education, medical care, and work. In practice, however, these rights are limited by the admitted priority given to the interests of the State. Freedom of speech is denied by vague laws prescribing imprisonment for defaming the State.

The State and party control the mass media and seek to prevent the free flow of information and ideas from abroad. Voluntary organizations, if allowed to exist, must submit to state or party supervision. Trade unions are strictly subordinated to the party and act as agents of the Government in implementing economic policy and ensuring labor discipline. They are not collective bargaining agents for workers. Religious believers in an officially atheist State must submit to state supervision or face harassment or imprisonment. Freedom of movement is neither guaranteed by law nor respected in practice. Many infringements of human rights are carried out by the KGB and police authorities, whose actions are not subject to effective appeal.

The regime confines those attempting to exercise their rights to prison, labor camps, or psychiatric hospitals. Mistreatment of political prisoners continued in 1985. Beatings, inadequate food, clothing, and shelter, heavy manual labor, unsatisfactory medical care, isolation, extended interrogation, and threats against prisoners' families were characteristic abuses. Many prisoners are denied the right to correspond with their families or to receive family visits. Some are arbitrarily confined to special psychiatric hospitals or to the psychiatric wards of regular hospitals where they are often subjected to cruel and degrading treatment and administered doses of powerful and painful drugs to punish and intimidate them rather than to treat a medical condition. The authorities also continue to exile prisoners to remote areas of the Soviet Union or force them to emigrate. Every year a

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number of persons die in prisons and labor camps because of the harsh conditions and inadequate medical attention.

Persecution of individuals who attempt to express themselves outside state-controlled channels continued during 1985. Human rights monitors, religious believers, proponents of greater cultural and political rights for ethnic minorities, and peace activists were all subject to arrest and imprisonment. Jewish, ethnic German, and Armenian emigration remained at severely restricted levels, despite the desire of many thousands of persons to emigrate.

Abroad, the Soviet Union continues its occupation of Afghanistan and its support of the Vietnamese occupation of Cambodia. There has been evidence that the Soviet Union has been responsible for the use of chemical warfare in Afghanistan, Laos, and Cambodia.

RESPECT FOR HUMAN RIGHTS**Section 1 Respect for the Integrity of the Person, Including Freedom from****a. Political Killing**

There are occasional reports of unusual circumstances surrounding the deaths of people engaged in religious or political dissent, or members of their families. The possibility of official involvement in such deaths, however, can neither be proved nor investigated. On the other hand, a number of political prisoners and common criminals do perish each year in prison and in forced labor camps due to the severe conditions: beatings, strenuous physical labor, poor diet, extreme cold, and lack of adequate medical care. It is impossible to estimate the number of such deaths.

Prominent Ukrainian dissident poet Vasyl Stus, a member of the now-defunct Ukrainian Helsinki Monitoring Group, died of emaciation in a labor camp in September following years of brutal treatment. Armenian activist Iskhan Mkrtchyan and Estonian activist Johannes Hint also died in Soviet custody in 1985.

Soviet law provides for the imposition of capital punishment for a variety of offenses, including some economic crimes (e.g., fraud) which are not generally considered capital offenses outside the U.S.S.R. Statistics on capital punishment, however, as well as statistics on crime in general, are not published by the Soviet Government.

b. Disappearance

There have been no known instances of prolonged or permanent disappearance in recent years. However, it is not unusual for people to be arrested or confined in psychiatric facilities without next of kin being notified. Concerned relatives are expected to initiate an inquiry with the authorities to find out if and when their family member was arrested, and where he or she is being held.

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c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

It is clear that mistreatment of political prisoners during interrogation and incarceration occurs. Although the criminal codes of the Russian and other Soviet republics assert that punishment is not intended to cause physical suffering or the destruction of human dignity, reliable sources have described beatings, isolation, extreme cold, poor diet and malnutrition, compulsory hard labor in difficult conditions, inadequate medical care, and frequent arbitrary deprivation of a prisoner's limited right to receive correspondence and visits from his family. Prisoners cannot practice their religion and may be punished for attempts to do so. They have been beaten by other camp inmates at the instigation of camp authorities. Political prisoners have then been falsely accused of having created a disturbance and, on the basis of the fabricated charges, consigned to the camp prison or solitary confinement.

In 1985, members of the independent peace movement, "Group to Establish Trust Between the U.S.S.R. and the U.S.A.," were beaten by police agents on more than one occasion while attempting to hold peace demonstrations in Moscow. Jewish cultural activist Yuliy Edelshtein was repeatedly beaten at the instigation of labor camp officials in an effort to persuade him to renounce his religion. Prisoners who protest by hunger strikes are often force-fed by methods harmful to health and occasionally resulting in medical problems. Prisoners are frequently subjected to psychological pressures such as isolation, extended interrogation, and threats against their families. The security organs of the Government are responsible for these abuses.

The Government continues to confine political and religious activists to psychiatric hospitals where they are often subjected to painful drugs not in standard psychiatric use. This treatment is, in reality, a form of torture. In 1981 the Soviet Ministry of Health's chief neuropsychiatrist publicly stated at the Seventh All-Union Congress of Neuropathologists and Psychiatrists that 1.2 percent of patients in Moscow psychiatric hospitals were there "in connection with visits to state agencies to present groundless complaints and slanderous statements." The Soviet Union withdrew from the World Psychiatric Association in February 1983 rather than face the expected censure of that body for its abuses of psychiatry.

Among the victims of such abuses in 1985 were Rozalia Kiikbayeva, who was confined in a Kazakhstan psychiatric hospital in May 1983 for refusing to give up her emigration efforts, and who died on January 8, 1985 at the age of 29, after she was not provided sufficient medical care. Lydia Koifman, wife of imprisoned Hebrew teacher Yevgeniy Koifman, was committed to a psychiatric hospital because of her efforts to assist and defend her husband. At least three members of the "Group to Establish Trust Between the U.S.S.R. and the U.S.A." were confined to Moscow psychiatric hospitals for relatively short periods, either to intimidate them or to reduce their contact with foreigners. Other political victims of the abuse of psychiatry remained in such facilities, many of them in special psychiatric hospitals operated by the Ministry of the Interior. Some sources estimate that up to 1,000 persons may be confined in psychiatric hospitals for political or religious reasons.

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d. Arbitrary Arrest, Detention, or Exile

Government spokesmen insist that prosecution occurs only in cases in which persons commit acts prohibited by law. But the provisions of laws under which prosecutions have occurred themselves violate internationally recognized human rights, including freedom of expression and freedom of association. Among these provisions are:

-- Article 190-1, "The dissemination of deliberately hostile fabrications defaming the Soviet State and social system." This article, introduced in 1965, carries a maximum penalty of 3 years' imprisonment;

-- Article 190-3, "The organization of, or active participation in, a group actively violating public order," which carries a maximum penalty of 3 years' imprisonment.

-- Article 70, "Anti-Soviet agitation and propaganda," which carries a maximum penalty of 7 years' imprisonment and up to an additional 5 years in internal exile.

-- Article 227, "The infringement of the person and the rights of citizens under the appearance of performing religious ceremonies," which carries a maximum penalty of 5 years' imprisonment.

In addition to these provisions, the authorities continue to use criminal code provisions against "parasitism," "hooliganism," and "illegal commerce" or "speculation" to harass persons for political activity. Dissidents are sometimes fired from their jobs, then arrested for parasitism because they have no jobs; or the authorities fabricate charges for common crimes, such as theft or possession of drugs or weapons. A recent new criminal code provision making labor camp prisoners liable for resentencing to additional terms of up to 5 years for "malicious disobedience of labor camp rules" has been used to prolong the sentences of prisoners of conscience. Thus, the spectre of indefinite detention, a commonplace of the Stalin era, has reappeared in the 1980's.

Habeas corpus or its equivalent does not exist. According to the code of criminal procedure, pretrial detention can last as long as 9 months, and prisoners are not entitled to consult with a lawyer until after the conclusion of the pretrial investigation. Instances of prolonged detention function in effect as a form of preventive detention.

Persons also face administrative jailing for periods of up to 15 days. In 1985 several Moscow peace activists were jailed for short periods for "hooliganism" or resisting the authorities. Sergei Petrov, who is married to an American citizen, was arrested September 20 while attempting to enter the American Embassy on consular business and was sentenced to 2 weeks in a labor camp. Arbitrary detention or house arrest were used to prevent citizens with dissenting views from meeting foreigners during an international youth festival in Moscow in August.

The practice of exiling political dissenters, often to isolated Siberian villages or other remote areas, dates back to Tsarist times and continues under Soviet rule. Exile often follows prison and, in practice, means confinement in a remote

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village in conditions of extreme cold, isolation, and relative scarcity of fresh food. These conditions are mitigated only by the privilege of receiving food parcels from family members, moving about within a limited area, finding work (albeit frequently far below one's capability), and arranging one's own often primitive accommodations. The families of exiles are permitted to live with them. Yuriy Orlov, the founder of the Helsinki monitoring movement, who is serving a term of internal exile in a remote area of Siberia following his release from labor camp in 1984, was beaten by unknown assailants in April 1985 and has been forced to live in a crude hut bereft of indoor plumbing.

The exile of Andrey Sakharov and his wife Yelena Bonner in the city of Gor'kiy, a city closed to foreigners, is the best-known example of this practice. Throughout much of 1985 the authorities continued to deny him normal contact with scientific colleagues and to cut them both off from virtually all contact with the rest of the world. This situation changed in early November when Soviet authorities granted exit permission to Mrs. Bonner to travel to the West for medical treatment. Both Sakharovs were subsequently permitted to speak to their U.S. relatives by telephone. Despite these gestures, at year's end Dr. Sakharov remained in exile.

Persons released from exile often are not allowed to return to their former places of residence. Some are forced to live in other areas of the country, thereby in reality insuring continuation of their exile. Others, having nowhere to go, return to their old homes without residence permits, where they run the risk of being arrested for violating residence laws.

In addition to internal exile, the authorities occasionally exile persons abroad or permit their "voluntary" departure. For example, Irina Grivnina, formerly active in monitoring abuses of psychiatry, was told to leave the country in October. The "voluntary" departure of Lydia Staskevich in September deprived Moscow's unregistered Pentacostal Church of one of its leading members.

Large areas of the country are closed to foreigners, and reports of trials in closed areas and remote regions may not become known to foreign observers. An unknown number of political prisoners have been convicted of "ordinary" crimes and therefore incarcerated in camps for common criminals rather than in special camps reserved for political prisoners.

e. Denial of Fair Public Trial

Communist party control of society extends to the legal and judicial system and is exercised in political cases to negate constitutional guarantees of the objectivity and independence of the judicial process. Soviet authorities frequently ensure that political trials are closed to the public by requiring passes for admission to the trial, packing the courtroom with government supporters, and harassing or detaining observers outside the courtroom. The location and date of a trial are often announced on short notice and may be changed with little warning. Western journalists and diplomats are regularly denied access to political trials and permission to visit cities outside Moscow where trials are taking place.

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Defense attorneys, like judges, are subject to political pressures and constraints applied by the security forces and the party. About 60 percent of Soviet attorneys are party members; they must, moreover, have special clearance to act as defense counsel in a political case. Attorneys who overstep their assigned role of providing a perfunctory defense risk losing their clearance and destroying their careers. Even the most honest and vigorous defense is of limited utility since the outcome of political trials is determined beforehand by the authorities.

No trial of civilians by military courts have been reported in recent years.

Psychiatric commitment of dissidents, described earlier, allows the Government to circumvent many requirements of the legal process and to incarcerate activists at the discretion of officials and psychiatrists.

A reliable, privately compiled list of political prisoners in the U.S.S.R., edited by Soviet emigre and former political prisoner Kronid Lubarsky, contains nearly 900 names, including some persons in internal exile in remote villages. Since data on the number of political prisoners is regarded as a state secret, only relatively prominent cases, such as those on Lubarsky's list, are known in the West. Although estimates vary somewhat, most observers believe there are as many as 10,000 prisoners of conscience.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

Government interference in personal life is pervasive. The authorities regard it as a citizen's duty to inform them about unorthodox attitudes of family members and friends. They routinely monitor the residences and telephones of Soviet citizens and foreigners with electronic devices. The Constitution guarantees the inviolability of citizens' homes, and in theory no one may enter a home against the will of the resident "without legal grounds." In practice this provision has little restraining effect on investigative agencies, and well-documented cases of forced entry and illegal searches continued in 1985. Through their control of mail and telephone circuits, the authorities selectively restrict contact between citizens and foreigners, often intercepting mail.

The Government continues to jam most Western radio broadcasts in Russian and other languages, an action clearly inconsistent with the provisions of the Helsinki Final Act. Soviet citizens who have even chance encounters with foreign tourists are often questioned, and receiving a foreign guest at home can result in extended interrogation. Foreigners are frequently questioned and intimidated after visiting Soviet citizens and, in some cases during 1985, were even expelled. Leningrad authorities were particularly active in this regard.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Constitution mentions most internationally accepted political liberties but limits their exercise to behavior in accordance with the "interests of the people and the

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strengthening and development of the Socialist system." In practice, the Government does not tolerate dissident behavior and has not hesitated to imprison persons for exercising freedom of expression. All information media are controlled by the party and the Government, which own or operate almost all of them. Publications, films, and radio and television scripts are subject to censorship by the Main Administration for Safeguarding State Secrets in the Media. Soviet journalists are subject to the discipline of the Communist Party and subordinated to the directives of their editorial superiors, themselves trusted members of the party. As such, they are not journalists in the Western sense but rather spokesmen for official government policies.

All universities and research institutes are operated by the State or party; teaching and research are required to conform to official requirements. In areas such as foreign policy and contemporary Soviet history, these requirements narrowly circumscribe the content of research and teaching to the virtual exclusion of independent investigation. All books in the Soviet Union are published by the State or party, and are subject to prepublication censorship. Freedom of expression is substantially greater in scholarship not involving politically sensitive subjects. Nonetheless, the Government's range of political sensitivities is broad, and censorship standards are often applied in an arbitrary and capricious manner.

Openly dissident views on important questions of policy do not appear in the media. No criticism of the party, the Government, or the leadership is permitted except to correct an administrative abuse or to discredit an individual responsible for violating party norms. Open criticism of officials takes place only when decided upon by higher officials. Within very narrow limits, arguments for and against prospective policies may appear in public. Debate within the leadership is occasionally reflected in published texts where polemics and criticism, expressed in veiled language, allow experienced readers to identify policy trends and controversial issues. Such policy debate may not call into question the existing political and social system.

The authors of literary, religious, and political "samizdat" (self-published) materials have been subject to harassment, including loss of employment, warnings from the KGB, apartment searches, and, ultimately, arrest and conviction or incarceration in mental hospitals.

The Government continues to maintain tight control over the work of foreign newspapers. Overt censorship of wire transmissions of news stories out of the country is rare, but the authorities harass selected foreign journalists and, in some cases, either delay or deny visas already issued.

b. Freedom of Peaceful Assembly and Association

The Constitution grants citizens the right to associate in public organizations "in accordance with the aim of building communism." In practice, public associations are organized by the authorities or are subject to their strict control, and the Government suppresses attempts to function independently of its supervision. As a result of a campaign during the last few years, virtually all independent human rights or peace groups have been suppressed and have ceased functioning.

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Those eliminated include the Helsinki Watch Groups, which attempted to monitor the Government's implementation of the Helsinki Final Act, and the Psychiatric Watch Group, which monitored Soviet abuses of psychiatry. Members of these groups have been imprisoned or exiled, and many still face persecution. Several persons who attempted to revive the Georgian Helsinki monitoring group in Tbilisi during 1985 were arrested or faced official threats of prosecution for offenses carrying long-term sentences in penal camps.

Trade unions are strictly subordinated to the Communist Party and act as agents of the Government in implementing economic policy and ensuring labor discipline. They in no respect act as collective bargaining agents. The International Labor Organization's Committee of Experts has noted that the Soviet Union had contravened the Convention on Freedom of Association and Protection of the Right to Organize by imposing a constitutional link between the Communist Party and trade unions which restricted the right of the unions to organize their own activities and formulate their own programs. The right to strike is not recognized, and strikes are rare. Those strikes which do occur are ruthlessly put down by the security forces.

Soviet authorities have continued to suppress all unofficial labor or political associations which they believe represent a challenge to the monopoly of the State. Vladimir Sytinskiy, a member of the "Free Interprofessional Association of Workers" (SMOT, in its Russian acronym), was charged with anti-Soviet slander and confined in May by a Leningrad court to an indefinite term in a psychiatric hospital. The "Group to Establish Trust Between the U.S.S.R. and the U.S.A." continued to come under intense pressure in 1985, as members were arrested, detained, confined to psychiatric institutions, beaten, and exiled abroad. Group member Vladimir Brodskiy was sentenced in August to 3 years in a penal camp for "malicious hooliganism." Group members Nikolai Khranov and Aleksei Lusnikov were each detained for several days, and two young women members were "treated" in a psychiatric hospital before being released. Group members were among many residents of Moscow who were prevented or strongly discouraged from meeting foreigners attending an international youth festival in Moscow in August, some being placed under house arrest.

c. Freedom of Religion

The Constitution guarantees the "right to profess or not to profess any religion and to conduct religious worship or atheistic propaganda." In practice, however, religious believers are subject to many restrictions. Participation in religious ceremonies causes exclusion from the Communist Party and, sometimes, dismissal from employment.

Soviet law requires religious congregations with a minimum of 20 adults to register with the authorities. In practice, the authorities reserve the right to grant or withhold registration. Soviet refusal to grant registration can be used to limit the number of congregations or to deny legal status to an entire religious denomination as has been the case, for example, with the Ukrainian Catholic (Eastern Rite or Uniate) Church. Religious believers, moreover, are prohibited from engaging in charitable activity, proselytizing, or providing formal religious training to their children. In some instances, the authorities have removed

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children from families which have permitted or have conducted such instruction in place of Soviet schooling. Existing seminaries and other institutions of clerical education and the numbers of students permitted to pursue a religious vocation do not provide a sufficient body of trained clergy for officially registered denominations. Unregistered believers, such as some Baptists, Jehovah's Witnesses, Seventh-Day Adventists, and Pentecostals are subject to an even wider variety of repressive measures, including harassment at school or place of employment, denial of access to housing, dismissal from work, and imprisonment.

Examples of such repression of religious freedom were abundant during 1985. A small community of 170 Pentecostals in Chuguevka in the Soviet Far East was especially victimized. Ten community elders, including Pastor Viktor Val'ter, were sentenced to labor camp terms of up to 5 years. All working adults have been fired from their jobs. Soviet authorities, meanwhile, continue their threats to take custody of community children whose parents took them out of school to save them from constant beatings and harassment. Vasily Boyechko, Pentecostal Bishop for the western U.S.S.R., was arrested in September, reportedly on charges of leading an unregistered religious group. Unregistered Baptists continued to suffer the most arrests of any Soviet religious group. Ivan Peters, Wilhelm Richert, and Victor Rogalskiy, three Baptists from Gagra on the Black Sea, were reportedly sentenced in mid-May to labor camp terms of 2 to 3 years. Other Baptists were reportedly arrested in April and June in the Kiev region, Perm, the Voroshilovgrad region, the Tula region, the Gelgorod region, and Omsk. Three more Baptists, I. Steffen, Igor Worlf, and Andrei Woln, were convicted in August in Alma-Ata for possession of a printing press.

In the Ukraine, the campaign against defenders of the outlawed Uniate Church continued. Iosif Terelya, a leader of the unofficial "Initiative Group of the Committee for the Defense of Believers of the Catholic Church," was sentenced August 20 to 7 years in a labor camp and 5 years of internal exile on charges of anti-Soviet agitation and propaganda. His colleague, Vasily Kobrin, was convicted in March on charges of anti-Soviet slander. Both men were moving forces behind the samizdat Chronicle of the Catholic Church in the Ukraine which exposed systematic Soviet repression of the Uniate Church, including church burnings. The Chronicle had brought to the world's attention the fact that hundreds of Ukrainian Catholics had renounced their citizenship in protest over religious persecution and Soviet subjugation of the Ukraine.

The traditional religious affiliation of ethnic Russians and eastern Ukrainians is the Russian Orthodox Church. In Moscow, authorities permit only about 50 churches to function. On Easter, when large crowds seek entry to services, police often make access to churches difficult, seeking to intimidate those wishing to attend. Believers going beyond church ritual may encounter more serious difficulty. Orthodox activist Feliks Svetov, arrested in January and charged with anti-Soviet slander for publishing a novel in the West, was held in prison during an extended investigation still under way at year's end. His wife, Zoya Krakhmalnikova, is reportedly serving a term of exile in Siberia for publishing a religious journal. In June, Vladimir Frenkel of Riga was sentenced to 18 months in a labor camp for anti-Soviet slander. A Jewish "refusenik" converted to

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Christianity, Frenkel was charged with contributing to an underground Jewish cultural journal and with publishing articles on Orthodox Christianity in the West.

In the traditionally Muslim regions of central Asia and Azerbaijan, very few mosques are open for use, and officially recognized clergy are few. Muslim clergy not sanctioned by the authorities are attacked in the official press as "vagabonds." One of them, Akverdy Eshkulov, was reportedly arrested in the Samarkand region during 1985 and sentenced to 2 years in a penal camp for serving as a mullah without official sanction. The Soviet press has reported several other arrests of Muslims for religious activities, including printing and distributing religious books. The official press in Muslim areas attacks traditional Muslim funeral rites as outdated and as occasions for expressing nationalist feelings.

Even tiny religious groups were not immune to severe pressure. Five members of the Hare Krishna sect, in a trial ending July 3 in the north Caucasus village of Kurdzhinovo, were sentenced to terms of from 2 to 5 years in labor camp for "encroaching on the individuality and rights of citizens under the guise of conducting religious rites." Jehovah's Witnesses also continued to encounter serious obstacles to the free exercise of their religion.

The crackdown on Jewish (primarily "refusenik") activists and Hebrew teachers continued in 1985. (A "refusenik" is a Jew who has been denied permission to emigrate.) By year's end, 15 had been sentenced to terms of up to 4 years in a labor camp, many on trumped-up criminal charges specifically designed to discredit their cause. Moscow Hebrew teacher Dmitriy (Dan) Shapiro was brought to trial June 26. After reportedly being subjected to threats of severe punishment and other forms of pressure, Shapiro signed a "confession" to Zionist and anti-Soviet activities. Later broadcast on Soviet national television, Shapiro's statement named several Jewish "collaborators," many of whom in fact did not know him well. Shapiro was given a suspended sentence, but his public "confession" was widely interpreted as a stern warning against assertion of Jewish culture and identity.

Other arrests and trials of Hebrew teachers reinforced the climate of repression. Leningrad Hebrew teacher Roald Zelichonok was tried August 8 and sentenced to 3 years in a labor camp for anti-Soviet slander, apparently on the basis of statements made in private letters. Yevgeniy Koifman was tried in Dnepropetrovsk on a trumped-up narcotics charge and sentenced to 2-1/2 years of closely supervised work release. His wife was confined to a psychiatric hospital following her attempts to assist and defend her arrested husband. Another Hebrew teacher, Leonid Volvovskiy, already exiled to the closed city of Gor'kiy, was charged with anti-Soviet slander and sentenced October 24 to 3 years in a penal camp. His trial took place in an atmosphere characterized by anti-Semitic slogans painted on walls near his apartment and by hostile articles in the official local press. Iosif Begun was transferred from a labor camp to a prison, apparently for violation of camp rules. His wife and son were repeatedly warned by Soviet authorities to cease activities on his behalf, such as hunger strikes and press conferences. Iosif Berenshtein underwent medical treatment for blindness suffered in a prison attack but was transferred back to a camp at Zholtye Vody with little chance of regaining his sight.

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Aleksandr Kholmyanskiy, another imprisoned Hebrew teacher, also suffered ill health. Samuel Epshtein, serving a term for anti-Soviet slander, had his term extended by 2 years under a new law which permits extension of camp sentences for minor infractions of camp rules. By the fall of 1985 the number of imprisoned Jewish activists was conservatively estimated at 22.

A film, "Conspiracy Against the Nation of Soviets," was shown on Soviet television in February and again in September, as well as in theaters. The film not only attacked major dissident figures but also sought to link Jewish emigration with Western intelligence activities. Many Soviet Jews regard such films, books, and articles featuring anti-Semitic themes as evidence of government-inspired hostility to them.

Beyond the persecution of specific classes of believers, the Government exerts wide-ranging pressure to discourage religious belief in general among its citizens. The Communist Party, defined in the Constitution as the "leading and guiding force in Soviet society," is, according to its rules, an atheistic organization. Membership in the party, considered incompatible with religious belief, is a requirement for advancement to most positions of authority or prestige in the country. Thus the Government has structured career incentives in such a way as virtually to exclude admitted believers from educational opportunities and desirable careers. Discrimination in education and employment is also practiced against Jews, based on ancestry rather than religious commitment.

The official media feature much antireligious propaganda, and only a few religious publications of controlled content, such as the Vestnik of the Russian Orthodox Patriarchate, are allowed to appear. The practice of religion is also discouraged by strictly applied limitations on the number of sacred books, such as the Bible or the Koran, which may be printed and by government prohibitions against their importation. Few works are published in Hebrew. The number of clergymen and places of worship today is only a small fraction of the number which existed before the October 1917 Revolution.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement is neither guaranteed by law nor respected in practice. Although citizens are generally free to move about within the territory of the U.S.S.R., travel in certain areas (e.g., frontier regions or areas of military significance) requires special permission. All adults are issued identity documents or internal passports which must be carried on their person during travel in the U.S.S.R. and used to register visits of more than 3 days with the local authorities. Approximately 20 percent of Soviet territory is formally closed to travel by foreigners. An additional 70 percent is either closed in fact or inaccessible. The right to choose one's place of residence, although formally guaranteed by law, is subject to restrictions. Everyone is required to register his place of residence. The authorities limit the number of residence permits in some large cities, such as Moscow and Leningrad, where housing is at a premium.

There are persistent reports that Crimean Tatars, forcibly evicted from their historic homeland in 1944, continue to

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attempt to return home. Tatar families who try to reestablish farms in the Crimea, however, are often apprehended by the authorities and forced to leave again. In 1985 the authorities did, however, permit the Meskhetoms, a Turkish-speaking Islamic people also deported during World War II, to return to their homeland in southern Georgia.

As a member of the United Nations, the U.S.S.R. joined the consensus adopting the Universal Declaration of Human Rights and has also accepted other international documents in which the right to leave one's country and return thereto is recognized. In reality, however, Soviet law does not recognize the right of citizens to emigrate by choice, and the only recognized motive for emigration is reunification of divided families. On this basis, emigration increased significantly during the 1970's, especially among Soviet Jews, Armenians, and ethnic Germans. Jewish emigration reached a peak of 51,320 in 1979. At the end of that year, however, Soviet authorities began deliberately to restrict the level of emigration. By 1984, Jewish emigration had fallen to only 896. The pattern of Armenian and ethnic German emigration followed suit.

Jewish emigration continued at severely restricted levels in 1985. The total for the year, 1,140, was up only slightly from 1984. Despite worldwide concern and condemnation, by year's end there was still no clear sign that Soviet authorities intended to increase the level of emigration. Many Jews have waited in vain for more than 10 years for permission to emigrate. Jewish sources estimate that there are still more than 200,000 Jews who possess the letters of invitation (vyzovs) from Israel necessary for application to emigrate. The number of ethnic Germans and Armenians emigrating from the U.S.S.R. also remained low during 1985.

In 1985 Soviet authorities resolved several cases on the U.S. Government Representation List of Divided Families. This list contains the names of Soviet families denied Soviet permission to reunite with their relatives in the United States. At year's end 130 families still remained on the List.

Twenty-three U.S./Soviet dual nationals on the U.S. Government Representation List of American Citizens have been denied Soviet permission to leave, several for many decades. Only one case on the list was resolved in 1985. The only significant progress in 1985 was in regard to persons on the U.S. Government Representation List of Separated Spouses. This List contains the names of the Soviet spouses of U.S. citizens who have been denied Soviet permission to join their spouses in the United States. Fourteen cases were resolved in 1985, but at year's end 18 spouses remained on the List.

For the very few who received exit visas in 1985, emigration procedures were cumbersome and expensive. The cost of a passport for emigration to a "capitalist" county is 200 rubles (approximately \$254 at the official rate). The mere attempt to submit an emigration application frequently involves a variety of administrative and extralegal sanctions, including loss of employment, harassment, social ostracism, and long delays.

While Soviet emigrants generally retain possession of their Soviet travel passports when they leave the U.S.S.R., they are not always permitted to return. Some individuals are stripped

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of their citizenship when they are abroad, thus precluding their return. Jewish emigrants departing for Israel are required to renounce formally Soviet citizenship prior to departure, thus effectively precluding their return to the U.S.S.R. as Soviet citizens.

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

Only officeholders in either of the parallel state and party hierarchies can influence the composition of the Government. The Soviet Union is a one-party, totalitarian State in which the Communist Party directs and controls all legal political life. The Constitution provides that the Communist Party is the "leading and guiding force of Soviet society and the nucleus of its political system, of all state organizations and public organizations." The nomenklatura (Soviet personnel system in which all senior appointments are decided by the party) allows a relatively small group of the Communist Party's elite members to use the party as the instrument of their own personal, self-perpetuating rule.

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

The Government contends that all internationally recognized human rights are fully protected and asserts that only "Socialism" can truly guarantee human rights. Soviet authorities reject foreign criticism of their human rights record as interference in Soviet internal affairs, despite the fact that the Soviet Union is signatory to numerous international documents, including the Final Act of the Conference on Security and Cooperation in Europe, recognizing human rights as a valid subject of international concern.

The authorities do not permit foreigners to investigate the status of human rights in the U.S.S.R. International human rights organizations such as Amnesty International have frequently addressed communications to the Soviet Government concerning human rights, but the authorities have declined to reply in a substantive manner. The authorities have suppressed the Moscow chapter of Amnesty International and published attacks on the organization, alleging that it works with Western intelligence agencies against the Soviet Government. Vladimir Albrecht, a former member of the Soviet chapter of Amnesty International, was sentenced in September to a term in a labor camp for "malicious hooliganism" in connection with alleged offenses committed while serving a previous penal term imposed in 1983 for anti-Soviet slander.

In its 1985 Report (covering the year 1984), Amnesty International was concerned that many Soviet citizens were imprisoned or confined to mental hospitals solely for the nonviolent exercise of their human rights, namely, freedom of religion and expression. It received reports of ill-treatment from prisons, corrective labor colonies, and psychiatric institutions. Amnesty International adopted as prisoners of conscience or was investigating the cases of 560 persons but believed the total number of prisoners of conscience to be much higher. It noted allegations of systematic brutality against some prisoners of conscience and was concerned that apparently none of the allegations had been thoroughly investigated by the competent authorities. Furthermore,

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Amnesty International reported that those who tried independently to gather information on human rights abuses themselves risked imprisonment. Freedom House rated the U.S.S.R. "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The Soviet Union in 1985 had a population of 277,504,000 with an annual growth rate of 1 percent. The 1983 per capita gross national product was \$6,765.

The highly centralized, rigidly planned Soviet economy is characterized by widespread waste, chronic shortages of basic goods, and low labor productivity. Current efforts to improve economic efficiency apparently do not include plans for the structural economic changes believed necessary for significant improvement. Despite attempts to improve the production and distribution of basic goods, queues and a flourishing black market remain common features of Soviet life. Formal and informal food rationing still persist in some areas.

Housing is subsidized in the U.S.S.R. but is in extremely short supply. Twenty percent of the population still live in communal apartments, and another 5 percent are housed in factory dormitories. Young couples often must live with relatives and typically have to wait years for housing of their own. The housing that does exist is extremely cramped, more so than in any other developed country in the world. Construction quality is very low, and buildings are poorly maintained. Many urban buildings and most rural buildings lack indoor plumbing.

Free, universal health care is guaranteed by the Constitution, but the health care system has proved inadequate to deal with the enormous increase in cardiovascular and other diseases associated with contemporary industrial society. Soviet male life expectancy has actually decreased by more than 4 years over the past two decades, and female life expectancy has remained static. Since these figures only account for the increase in the adult death rate, and ignore the impact of infant mortality rates, which have themselves risen during the same period by as much as 40 percent, the actual decrease in life expectancy is certainly much greater. The problems in the health care system responsible for these alarming trends involve both quality and quantity. There are chronic shortages of the most essential medicines and vaccines, the average Soviet doctor is only trained at the level of a Western paramedic, medical equipment is well below international standards or nonexistent, and poor sanitary conditions breed frequent infection and disease.

Alcohol abuse has been an important factor in increased Soviet morbidity rates. The Soviet Union ranks first in the world in the per capita consumption of hard liquor, the most dangerous from the standpoint of health. Alcohol consumption has more than doubled during the past 25 years and now takes 10 percent of the average Soviet household budget. In 1984 more than one Soviet adult in eight spent at least one night in a sobering-up station. Soviet sources have themselves estimated that more than one-third of all male workers are chronically drunk. This dramatic evidence of social malaise costs the Soviet economy 10 percent in lost production every year. In May, Soviet leaders acknowledged the gravity of this economic and social problem by enacting a series of measures aimed at

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reducing alcohol consumption. At year's end, the effectiveness of these measures remained in doubt.

Most members of the Soviet elites (the party, the military, the diplomatic corps, the scientific-technical intelligentsia, the cultural and sports establishments) are to various degrees shielded from these social and economic hardships. They have access to such special benefits as foreign travel, automobiles, quality consumer goods sold in special stores, special medical facilities, admission to the best schools, country houses, and paid vacations in choice resorts, which are not available to the average citizen.

Education is free at all levels and is compulsory through the 11th year. Basic literacy among citizens under 50 is practically universal; only in certain areas of central Asia and the Caucasus were some children unable to attend school. Atheism and Marxist-Leninist ideology are required courses.

The statutory minimum age for the employment of children in 1983 was 16 (18 for heavy work), and the standard workweek was 41 hours (less for minors and workers doing dangerous work). There is no indication of widespread violation of these norms. The minimum wage was set at \$203 per month by the end of 1985. Soviet law requires, in general terms, healthy and safe working conditions, but practice falls far short of accepted Western standards.

Women nominally enjoy the same legal status as men but in practice are systematically discriminated against by a male-dominated society. An extensive system of day-care service and maternity leave benefits, including in some cases up to 1 year's leave from work, significantly enhances the ability of women to secure and retain employment. However, women hold less remunerative positions. Traditionally, men occupy the great majority of the leading positions in most professions and politically sensitive occupations, especially politics. At present, only 8 of the 301 full members of the Central Committee of the Soviet Communist Party are women.

Discrimination on the basis of race, sex, or other grounds is nominally prohibited by the Constitution. However, attempts to impose the Russian language on minorities have led to widespread resistance by Ukrainians, Balts, and other minority groups. In recent years, numerous reports and investigations by activists have noted discrimination against Jews in universities, research institutes, and other organizations.

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The United Kingdom (U.K.) is a constitutional monarchy, with government based on a multiparty, parliamentary democracy. As there is no written constitution, human rights are "residual," i.e., assumed unless limited by statute. Human rights have traditionally been respected and guarded by the British people and their elected governments.

Great Britain has a long tradition of respect for basic human rights. Public safety is maintained by a civilian police force. In Northern Ireland, however, human rights traditions have been, from time to time, put to the test as the British Government combats terrorism by militant organizations demanding the forcible unification of Ireland, as well as reciprocal violence by both militant nationalists and loyalist groups against Catholics. Since 1969, Army units have backed up the police in an effort to provide security.

The United Kingdom's highly developed industrial economy has a mix of private and state-owned industries. Individuals may freely own property and pursue private economic interests under the law, and the population benefits from a comprehensive social welfare program. Public policy, supported by legislation and tradition, opposes discrimination on the basis of race, religion, sex, or political opinion.

The principal development affecting human rights practices in Great Britain in 1985 was urban rioting in London suburbs, which led to government proposals for new legislation on public disorder.

On November 15, 1985, the British and Irish Governments concluded an agreement which gives the Irish Government a consultative role in certain Northern Ireland affairs. Both the Irish and British Parliaments subsequently approved the agreement. Rejecting the agreement, Unionist members of the British Parliament resigned their seats and look forward to January 1986 by-elections as a popular referendum on the agreement.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

The British Government does not practice or condone killing for political motives. Under law, police may use only reasonable force in the prevention of crime.

The Government reported that during 1985, 47 persons were killed by terrorists in incidents related to Northern Ireland, about three-fifths belonging to the security forces. During the same period, security forces killed five persons. In an incident in February 1985, for which the Provisional Irish Republican Army (PIRA) claimed responsibility, 14 policemen were killed in a mortar attack on a Royal Ulster Constabulary station in Newry. Since 1969, 2,465 persons on all sides have died in Northern Ireland-related violence.

Human rights activists have expressed concern over the use by security forces in Northern Ireland of plastic baton rounds (PBR's or plastic bullets) for the purpose of riot control,

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which has led to over a dozen deaths in recent years. In April 1985 one Northern Ireland policeman was charged with manslaughter and another with assault in connection with the death of a man struck in the chest by a plastic bullet fired at close range at an August 1984 political rally in Belfast.

In 1984, the European Parliament passed a resolution calling for a ban on PBR use in Northern Ireland. While acknowledging the danger of PBR use, the British Government contends they are less dangerous than live rounds. This view was supported in October 1984 when the European Commission on Human Rights dismissed as "manifestly ill-founded" a case on PBR's, ruling that their use was "acceptable" and "less dangerous than alleged."

b. Disappearance

Government authorities do not abduct, secretly arrest, or hold persons in clandestine confinement, nor do they sponsor or condone such activities.

The Government reported that, during the first 7 months of 1985, 50 persons were abducted or illegally detained by terrorists in incidents related to Northern Ireland.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

British domestic law forbids mistreatment or torture of prisoners and provides penalties for such abuse. Confessions obtained by torture or any other inhuman or degrading treatment are not admissible as evidence in court. British official policy prohibits deliberately cruel, inhuman, or degrading treatment or punishment of prisoners.

In questioning arrested persons, police are expected to comply with the Judges' Rules and Administrative Directions. These rules serve only as guidelines because the United Kingdom has no exclusionary rule. Improperly obtained evidence and statements made by an accused person before being warned of his rights may be used in court. However, judges can and do refuse to accept improperly obtained evidence.

The Judge's Rules are to be superseded in January 1986 by a Code of Practice for the police which has been approved by Parliament. Failure to comply with any provisions of the Code will render a police officer liable to disciplinary action.

Under the Police and Criminal Evidence Act of 1984, an independent Police Complaints Authority was established in April 1985 in England and Wales. It will also have the authority to initiate investigations based on media reports. The Government plans to introduce similar legislation to cover Northern Ireland.

The Government acknowledges that some old British prisons are unsatisfactory and overcrowded and that many prisoners live in cramped, unhygienic cells. Britain's prison population is rapidly rising, up 5,000 in 1985 to approximately 46,000, but prison facilities are officially capable of holding only 40,000 persons. To relieve overcrowding, the Government is expanding parole opportunities and planning to build 16 new prisons. The prison service budget has increased 85 percent since 1979. Nonetheless, the Prison Officers Association has

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complained about a shortage of prison staff, claiming that overtime for its members averages over 16 hours a week. Home Office figures show that, in some prisons, guards have been working 80-hour weeks.

Prison conditions in Northern Ireland differ in some respects from those in Great Britain. All prisons in the province are maximum-security institutions, forcing low-risk common criminals to serve under maximum-security conditions. On the other hand, Northern Ireland prisons are newer and less crowded than those in Great Britain, and prisoners can wear civilian rather than prison clothing. Prisoners are also entitled to weekly visits and parcels, while mainland prisoners get these privileges monthly. The prison population in Northern Ireland, as opposed to that in the U.K. as a whole, declined by over one-third from September 1984 to September 1985.

There continue to be complaints about "strip searching" in Northern Ireland prisons, especially of female prisoners at Armagh prison. Strip searching is now conducted on a random basis for prisoners making home visits or court appearances. Visitors to prisons, including government officials, are subject to a "rub-down search," which involves an officer's passing his or her hands over the visitor's clothing to detect hidden weapons. Despite allegations to the contrary, visitors to prisons, unlike the prisoners themselves, are not subject to strip searches.

In March 1985, Amnesty International expressed concern about evidence it says strongly supports allegations by a Northern Ireland man that he was tortured and ill-treated during questioning by the police in August 1984. In May 1985, Britain ratified the Council of Europe Convention on sentenced persons, which allows prisoners to be sent to their home countries to serve their sentences. Within the U.K., convicts are almost always required to serve their prison time in the general region in which they committed the crime. For example, persons from Northern Ireland convicted of offenses in mainland Britain are usually made to serve their sentences in the jurisdictions where the crimes were committed.

d. Arbitrary Arrest, Detention, or Exile

The Police and Criminal Evidence Act of 1984 and the Criminal Law Act (Northern Ireland) of 1967, which applies similar provisions to Northern Ireland, empower a constable to arrest without warrant, but with reasonable cause, any person who he suspects has committed, is committing, or is about to commit what is, or what he reasonably suspects to be, an arrestable offense. Procedures for bail, judicial determination of the legality of detention, and suits for false imprisonment are routinely utilized in the United Kingdom.

Except as noted below, anyone arrested without a warrant must be released on bail if he or she cannot be brought before a magistrate's court within 24 hours, unless the alleged offense is serious. If detained in custody the defendant must be brought before a magistrate's court as soon as practicable. In some cases, magistrates have repeatedly remanded persons into custody for periods totaling up to 18 months before trial. With the recent opening of several new courts, including a temporary building to relieve long waits in the Greater London area, remand prisoners are now being held for

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shorter periods before trial. Nonetheless, 26 percent of persons in jail are remand prisoners awaiting trial. One Northern Ireland man charged with terrorist offenses was a remand prisoner for over 3-1/2 years and was acquitted in four trials before conviction on five terrorist-related charges, including murder, in his fifth trial. Human rights organizations have regularly criticized such delays.

Subject to review by Parliament, British common law allows for the abrogation of individual liberties by the executive in an emergency situation, such as the one posed by the continuing violence in Northern Ireland. Acting on the premise that the fundamental "right to life" was in serious jeopardy due to the violence in Northern Ireland, the British Government adopted two acts to deal with the threat: The Northern Ireland (Emergency Provisions) Act of 1973, now amended and consolidated as the Northern Ireland (Emergency Provisions) Act of 1978, which is applicable only to Northern Ireland; and the Prevention of Terrorism (Temporary Provisions) Act of 1984, (originally enacted in 1976), almost all of which is applicable to the entire United Kingdom. Although both these acts empower the restriction of personal liberties, they are subject to parliamentary review and to mandatory renewal at frequent intervals.

The 1984 Prevention of Terrorism Act gives the police the power to arrest without warrant persons anywhere in the United Kingdom whom they reasonably suspect to be involved in terrorism or from whom they wish to obtain information on terrorism. Such persons may be detained for up to 48 hours after arrest, and detention may be extended 5 days, provided that suspicion of their involvement with terrorism is such as to bring them within the criteria for arrest established by the Act. In 1985, this Act was used frequently to detain persons suspected of planning terrorist acts related to Northern Ireland, India, and the Middle East.

Under the 1978 Emergency Provisions Act, the Northern Ireland police are empowered to arrest without warrant a person suspected of being a terrorist, and to detain that person for up to 72 hours on their own authority. The Act also gives the Northern Ireland police the power to arrest without warrant a person suspected of having committed, or being about to commit, a "scheduled" offense (i.e., one listed on a schedule attached to the law). For the purpose of doing so, the police may enter and search without a warrant any premises or other place where that person is or where the police suspect him of being. Also under this Act, members of the armed forces on duty may arrest suspected terrorists without warrant and hold them for up to 4 hours, after which they must be transferred to police custody or released. Allegations that these limits have been exceeded by the police or the armed forces have not been substantiated. In Northern Ireland, the police generally act in accordance with the provisions of the Prevention of Terrorism Act and the Emergency Provisions Act whereunder arrested persons have the right of access to a solicitor after 48 hours of detention. Human rights activists allege, however, that the 48-hour rule is not always followed.

An independent review of the 1978 Act by Sir George Baker, published in April 1984, concluded that its provisions were still necessary. The Northern Ireland Secretary announced in June 1985 that the Government would introduce a bill in Parliament within 2 or 3 years to implement several of Baker's

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recommendations. These would include provisions to increase the Attorney General's discretion to try specific cases by regular rather than non-jury courts, to rationalize police powers of arrest, and to limit the life of the legislation to 5 years.

There is no forced or compulsory labor practiced in the United Kingdom.

e. Denial of Fair Public Trial

Fair trial is guaranteed by law and observed in practice. All criminal proceedings are conducted in public, with the exception of cases involving public security; public decency, at the judge's discretion; and juvenile court cases, from which the public, but not the press, is excluded. In a trial of charges under the Official Secrets Act, the court can be closed at the judge's discretion; the sentence must always be passed in public. In a 1985 trial, under this Act, of a government official charged with leaking documents on the Falklands war, the court was open to the press.

The Prosecution of Offenses Bill of 1985 will establish a new national, independent prosecution service, taking over from the police the role of deciding whether to prosecute individual cases. The bill's national coverage is intended to achieve more consistency than is presently possible with prosecutions initiated by dozens of police departments across the country.

In Northern Ireland, certain cases are tried by a judge without a jury, under legislation which decrees that terrorist offenses be tried in this manner. This form of criminal trial was introduced in 1972, following proposals of the Diplock Committee, which was established to consider legal procedures to deal with terrorist activities in Northern Ireland. The committee recommended that, for the duration of the emergency and for scheduled offenses, trial by a single judge should replace trial by jury. Among the arguments for this recommendation were that jurors were open to and afraid of intimidation or acts of physical violence against them, and that there was a continuing risk of unusual verdicts by partisan juries. However, juries continue to sit on all offenses not enumerated in antiterrorist legislation, and these constitute the majority of criminal cases. The 1984 Baker Report concluded that restoration of jury trials for terrorist offenses is not possible given present conditions in Northern Ireland.

The absence of a jury and the ability to convict solely on the basis of confession have been the subjects of criticism. Some human rights activists see an increasing tendency to rely on confessions rather than search for independent evidence of guilt or innocence. They criticize the lengthy time spent in custody awaiting trial. Critics also maintain that the conviction rates in the Diplock courts are unusually high. However, conviction rates in Diplock courts are no higher than those in non-Diplock jury courts, with about half those pleading innocent being found not guilty as charged. Judges in Diplock courts must give written reasons for their decisions, which are made public. Defendants convicted in Diplock courts have an automatic right of appeal to the three-judge Court of Appeals (Criminal), on any ground, against conviction or a sentence. In October 1985, such an

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appellate court reversed the murder conviction of a leading Irish Republican paramilitary figure.

The use of evidence provided by terrorist informers ("supergrasses") in non-jury courts continues to be controversial. Government officials state that the use of these informers has led to a marked reduction in the level of violence in Northern Ireland. Although the evidence of an accomplice has always been admissible in U.K. courts, in nonjury courts the judge alone must decide whether the evidence of the "supergrass" is credible, bearing in mind the danger of convicting on the uncorroborated evidence of an accomplice.

The Government maintains that the use of informers is vital in the legal fight against terrorism; but critics assert that this places too great a burden of assessing credibility on a single individual. They also question whether the gains to security and public safety arising from the "supergrass" procedure outweigh the dangers to the integrity of the judicial system in Northern Ireland. The use of uncorroborated evidence seems to be returning fewer convictions. The three "supergrass" trials held in 1985 resulted in 43 convictions and 60 acquittals.

The Criminal Law Jurisdictions Act, enacted by both the British Government (1975) and Irish Government (1976), permits trial in the Republic of Ireland, in Northern Ireland, or in Britain of those accused of certain terrorist offenses, regardless of where the offense was committed.

On November 15, 1985, the British and Irish Governments signed an agreement giving Dublin a consultative voice in Northern Ireland affairs through an Intergovernmental Conference. One of the prime topics of the Conference, which met for the first time in December 1985, is the administration of justice in Northern Ireland.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The right of privacy is well respected in both law and custom.

In a 1983 case, the European Court of Human Rights found the British Government technically at fault with regard to police use of telephone tapping, as regulations allowing wiretapping only under a warrant from the Home Secretary were administrative and not statutory. The Government's Interception of Communications Bill of 1985 is designed to meet the Court's criticism.

Warrants are generally required to search private premises. However, under the Northern Ireland (Emergency Provisions) Act of 1978, any member of the armed forces on duty or any constable may enter any premises or other place, if he or she considers it necessary to do so to preserve peace or maintain order. This provision was introduced in recognition of the practical difficulty of obtaining a warrant in certain situations involving terrorist incidents, but it has been criticized for allowing excessively broad powers of entry on mere suspicion of wrongdoing.

The Data Protection Act of 1984, designed to protect individuals against misuses of personal data stored in computers, came into force in 1985.

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Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Personal liberty and freedom of speech are well established by British history, custom, and tradition. While the Government appoints the Board of Governors of the British Broadcasting Corporation (BBC), it does not seek to control the content of programs. Viewpoints independent and critical of the Government are well represented.

In July 1985, when the Government learned of BBC plans to broadcast a television documentary featuring the reputed Provisional IRA Chief of Staff, the Home Secretary wrote to the BBC that terrorism "thrives on the oxygen of publicity" and asked that, in the national interest, the program not be screened. The request provoked public discussion of the issues of freedom of speech and the BBC's independence. The program was broadcast in late October with minor alterations.

There is no government intimidation or censorship of the media, foreign and domestic books, and artistic works. On matters of national security falling under the Official Secrets Act, the Government may seek to prevent the publication of certain materials. In early 1985, however, a former Assistant Secretary of Defense was tried under this Act and found innocent for leaking papers alleging government misconduct related to the sinking of an Argentine warship in 1982. *Books are removed in Canada.*

Self-policing by the media is practiced by such independent bodies as the British Board of Film Classification operating under clear, published, apolitical guidelines. Material may be subject to legal action under very restricted circumstances, such as the infringement of libel laws.

b. Freedom of Peaceful Assembly and Association

Freedom of peaceful assembly and association are a part of the tradition of civil liberties in the United Kingdom. Except in cases of extreme civil disorders in which public safety is judged to be at risk, the British authorities do not exercise their statutory right to limit individuals' freedom to attend public meetings of their choice. Neither is any limitation placed on individual freedom to join associations, including trade unions, with the exception of several terrorist organizations.

British trade unions have full rights, deriving from common law rather than statute, to organize, bargain collectively, and strike on behalf of their own members. The Employment Act of 1980, however, makes unions liable under civil law for losses resulting from "sympathy" strikes. In the rare instance where the right to strike is prohibited, e.g., for police officers, there are other means to resolve labor differences.

The Government does not control, intimidate, harass, or persecute unions and other associations, nor does it limit in any way their freedom to maintain relations with recognized international bodies. However, in 1984 the Government prohibited continued trade union membership for public employees at its communications headquarters at Cheltenham on grounds of national security. The ban was first overturned

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and then upheld in the courts. This controversy continued into 1985 as the Government threatened to fire approximately 100 employees who rejoined their banned union. In 1984 and again in 1985, the issue was considered by the International Labor Organization which urged the Government to negotiate with the unions involved to reach an agreement that would meet the Government's concerns and conform to the ILO Convention on Freedom of Association. Employees have also taken the Government to the European Court of Human Rights, where the case is now pending.

In connection with the lengthy 1984 coal miners' strike, some commentators expressed concern about limitations on secondary picketing, which is illegal in the United Kingdom; inhibitions on the movement of striking miners into areas where miners are not on strike; and allegations of police brutality in confrontations with strikers. Others have called attention to instances of intimidation against working miners by those on strike.

Another significant exception to freedom of association in the United Kingdom is a response to terrorist violence associated with Northern Ireland. The Prevention of Terrorism Act of 1984 and the Northern Ireland (Emergency Provisions) Act of 1978 include sections prohibiting membership in or support of organizations (Loyalist and Republican) which are involved in terrorism. These organizations are specifically listed in the statutes. Despite pressure, the lists do not include political parties, even those, such as Provisional Sinn Fein, which have close links to terrorist paramilitary organizations and openly support violence.

The Government announced in the spring of 1985 that it intended to introduce a number of public order measures called for in a White Paper discussing the inner city riot of 1981, violence during the coal miners' strike, and disorder at soccer games. These measures will give the police the power to control numbers of pickets, to fix crowd limits at sporting events where trouble is expected, and to require demonstrators or pickets to move from sensitive areas where violence is likely to occur. Laws already prohibiting conduct likely or intended to stir up racial hatred are to be tightened, and the possession of racially inflammatory material for distribution is to be made a new offense. When announcing the Government's planned public order measures, the Home Secretary said that people had the right to be protected against being bullied, hurt, intimidated, or obstructed. Critics responded that they believed the planned legislation would dangerously infringe civil liberties and the right to peaceful dissent. Subsequently, after riots in London suburbs, the Home Secretary announced the Government would introduce legislation to create a new offense of public disorder.

c. Freedom of Religion

As a matter of government policy and in general practice, everyone in Britain has religious freedom (in teaching, worship, and observance) without interference from the community or the state. Churches and religious societies may own property, conduct schools, and propagate their beliefs in speech and writing. Virtually every religion and sect found in the world is represented in the United Kingdom. There is no religious or denominational bar to the holding of public office except in the case of the Sovereign, who must be a

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member of the Church of England. The Sovereign's children must be raised in this church or they lose their right of succession to the throne.

England and Scotland both have established churches. The established church's relationship with the State is one of mutual obligation--privileges accorded to the church balanced by certain duties which it must fulfill. The State makes no direct financial contribution to church expenses. Church independence was demonstrated in 1985 when leading bishops criticized government policies. The existence of established churches does not limit the freedom or access to public life of members of other churches. The Church of Ireland and the Church of England in Wales have been disestablished.

In Northern Ireland, the Constitution Act of 1973 specifically prohibits discrimination on the basis of religious belief or political opinion.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

In general, U.K. citizens have freedom of movement within the country, and in foreign travel, emigration, and repatriation.

One exception to this general principle is contained in the Prevention of Terrorism Act of 1984. The Act gives the Home Secretary the authority to exclude or prevent from entering mainland Britain anyone he believes may be connected with terrorism related to Northern Ireland, unless that person was born in Great Britain or has been ordinarily resident there for 3 years. Only one person was excluded in 1984, and none were excluded in 1985. The Secretary of State for Northern Ireland also has the power to exclude people from that province on the same grounds, unless they were born and have been ordinarily resident in Northern Ireland, or have been ordinarily resident there for 3 years. In addition, any person may be excluded from the United Kingdom who may be ordinarily resident in the United Kingdom, but who is not a U.K. citizen, and is involved in terrorism related to Northern Ireland. Once excluded from a region of the United Kingdom, the person is forbidden to reenter that area. Under the 1984 Act, exclusion orders are subject to review after they have been in force for 3 years. These powers have been referred to by many, including the National Council for Civil Liberties, as a system of internal exile.

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

The United Kingdom is ruled by a Government formed on the basis of a majority of seats in the House of Commons won in freely contested elections. Participation in the political process is open to all persons and parties, of which there are several representing a broad range of political views.

For parliamentary and local elections, the franchise is given to all citizens 18 years of age and over. The right to citizenship itself was significantly affected by the British Nationality Act, which came into force on January 1, 1983. Under one of its provisions, the automatic, unchallengeable right to British nationality, previously accorded to virtually every child born in Britain, now extends only to those

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children born on British soil, of whom one parent has the right of permanent residence in the United Kingdom.

Women have full rights of participation and are represented at all levels of British political life, but in relatively small numbers. Of 650 members of Parliament, 24, including the Prime Minister, are women. Women officials in both major political parties have complained of de facto discrimination against women within their respective parties.

While racial minorities comprise about 5 percent of the total population, no members of these groups presently sit in the House of Commons, although some are members of the House of Lords. Many non-white Britons, however, have been elected to local government, and in 1985 the first ethnic Asian mayor of a British city took office in Bradford.

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

The Government generally maintains an open attitude toward international inquiries into alleged violations of human rights in the United Kingdom. It cooperates fully with the European Commission on Human Rights in investigations of complaints. The Government took a number of steps in 1985 to rectify its own laws and policies when they were found not to be in conformity with the European Convention. In response to a decision of the European Court of Human Rights, the Government introduced the Education (Corporal Punishment) Bill of 1985 to give parents the right to exempt their children from caning in schools. The House of Lords, however, voted for the total abolition of corporal punishment in both state and private schools. No legislation to comply with the courts' judgment has yet been passed.

In May 1985, the European Court of Human Rights ruled against Britain's immigration policy which restricted some foreign husbands, but not wives, from joining spouses legally settled in the United Kingdom. To comply with the court's ruling, the Government in July extended to wives the "Primary Purpose" Rule, which requires men seeking to join wives in Britain to prove that their main purpose in going to Britain is marriage and not immigration.

The United Kingdom is a party to several human rights conventions, participates in international and regional human rights bodies, and is the host country to international nongovernmental human rights organizations, such as Amnesty International.

In its 1985 Report (covering the year 1984), Amnesty International was concerned about allegations of torture and ill-treatment during interrogation of political suspects in Northern Ireland; judicial procedures in political cases in Northern Ireland and shootings by security forces there; and allegations of ill-treatment of arrested miners by the police. Freedom House rated the United Kingdom "free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

With a population of just over 56.4 million, the United Kingdom's per capita gross national product in 1983 was about \$9,200.

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Through a highly developed welfare system available to all inhabitants regardless of race, religion, sex, ethnicity, or political opinion, the British Government meets the health, educational, and other basic needs of the people. The National Health Service provides comprehensive medical services to the entire population at virtually no charge to the user. Life expectancy at birth is 74 years, and infant mortality is 9.8 per 1,000 live births. The primary school enrollment ratio for both boys and girls in 1981 was 97.0.

Minors are allowed to do limited part-time work beginning at age 14. Working conditions and hours are strictly regulated to ensure that a job does not interfere with school. At age 16, minors are considered adults for purposes of working hours and conditions.

Although Britain has no national minimum wage, about 48 percent of the work force belongs to labor unions that set their wages with employers. Until September 1985, organized labor opposed a national minimum wage. For about 10 percent of workers, wages councils comprising representatives of management, labor, and the public set minimum wages and other conditions of employment. The Government plans to abolish minimum wages set by wages councils for persons under 18.

Basic rights for other nonunion workers, including white collar professionals are covered by employment protection legislation. Turn-of-the-century legislation still prohibits night work and excessive overtime for women employed in most manufacturing occupations. Critics of these laws contend such legislation can bar women from well-paid jobs requiring shift work or occasional lengthy overtime.

Under the terms of the 1974 Health and Safety at Work Act, the Health and Safety Executive enforces strict occupational standards of health, safety, and working environment conditions. The Health and Safety Commission, consisting of management, labor, and public members, supervises the Executive and can develop new codes and regulations subject to government approval.

Equal status and equal opportunity for women in professional fields is provided by law. Under the Equal Pay Act of 1970, women are entitled to equal pay with men for doing work that is the same or broadly similar. The Sex Discrimination Act of 1975 guarantees equality of status and opportunity for women. The Equal Opportunities Commission assists in the enforcement of these acts. There is corresponding legislation and a separate commission for Northern Ireland.

Despite their legal rights to equal employment, however, in practice women have yet to achieve fully equal status in the United Kingdom. Women hold three-quarters of Britain's lowest-paying jobs, and the average female wage-earner takes home only three-quarters the pay of her male counterpart, up from 63 percent in 1970. Trade unions have complained of discrimination against women in occupational pension schemes, unemployment benefits, inadequate care allowances, and housewives' noncontributory invalidity pensions.

Progress toward women's equality is also visible. In November 1983, a rule change in the Social Security benefit payments system allowed women to be treated as head of the household and to claim benefits in ways that only men could do

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previously. Over twice as many women as men have been recruited into the civil service over the past few years in an attempt to redress previous imbalances. In 1985, bills passed Parliament prohibiting female circumcision and outlawing curb crawling by men in cars soliciting prostitution. The National Council for Civil Liberties opposed the latter bill, because they said it would lead to unfair arrests. Another bill pending in Parliament would increase the presently lower penalty for indecent assault upon a woman to equal the maximum penalty for assault upon a man.

The Race Relations Act of 1976 bars discrimination on the basis of race, color, nationality, or national or ethnic origin. Some studies have documented a black unemployment rate that is nearly double that of whites, black overrepresentation in manual jobs, and racial discrimination in job recruitment. In 1984, a Code of Practice on Employment proposed by the Commission for Racial Equality and accepted by the Government, took effect. Although the Code does not have the force of law, it is used as a standard of good practice by industrial tribunals in racial discrimination cases and serves as a guideline for firms in eliminating direct and indirect forms of discrimination. The Church of England's first black bishop to serve in Britain was consecrated Bishop of Croydon in July 1985.

In Northern Ireland, the majority Protestant community is more prosperous and highly skilled than the Catholic community, and controls much of the local economy. The unemployment rate in Northern Ireland is substantially higher than that of the United Kingdom as a whole, and, according to a July 1985 Northern Ireland Office report, twice as high for the minority Catholic population as for Protestants. The reasons for this are complex, involving a long history of discrimination by the one community against the other for the purpose of maintaining its traditionally dominant position. In addition, a higher Catholic population in younger age groups and rural areas, which suffers from higher unemployment throughout the United Kingdom, tends to skew this statistic, although Catholic youth unemployment is still higher than that for Protestants. British Government policy attempts to alleviate the problem by promoting equal opportunities, attracting more investment to the area, and subsidizing the economy through public sector spending.

Since 1972, when direct British rule was introduced in Northern Ireland, specific measures have been taken to combat religious discrimination against Catholics. These include the institution of universal suffrage and abolition of voting limitations based on property; the Representation of the People Act of 1985 to ensure more honest elections; prohibition of religious or political discrimination by any level of government; establishment of a Commissioner for Complaints to deal with grievances against local government; establishment of a Central Housing Authority to meet the problem of discrimination in housing; prohibition of discrimination in employment; and a special effort to recruit more Catholics into the Civil Service and the Police. While not disputing the value of these structures, critics are not satisfied and point to slow progress in remedying historical imbalances.

Within the Northern Ireland Civil Service, the proportion of Catholics reflects their proportion in the overall population

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in lower (under 35) age groups. In upper age groups and in the security forces, Protestants still dominate. Recruitment of Catholics into the security forces is made more difficult by terrorist threats, often carried out, to kill Catholics who join the Royal Ulster Constabulary or Ulster Defence Regiment.

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The Socialist Federal Republic of Yugoslavia is a multinational, federal state comprising six republics, one of which has two autonomous provinces. The League of Communists of Yugoslavia (Communist Party) maintains a monopoly on political power. The ideology of Yugoslav communism and Socialist self-management differs substantially from the highly centralized and rigid Soviet model of Communist rule. The form of Marxism-Leninism that Yugoslavia professes is increasingly pragmatic, providing opportunities for open discussion and flexible decisions. In the Yugoslav political system, the party is decentralized so that the republic and provincial party authorities wield power that is seldom challenged by the central party bureaucracy. In the economic system, Socialist self-management theoretically and legally provides that the workers run their own enterprises. Extensive, private, small-scale farming is permitted, as are some private enterprises in services and small-scale manufacturing.

State security and uniformed police are under the jurisdiction of Federal and Republic secretariats for internal affairs. Security and police forces are generally subject to, and heedful of, overall direction from the political level, although significant abuses have been alleged.

Struggling through the very severe winter of 1984-85 and a drought in the summer of 1985, the Yugoslav economy was unable to deal effectively with its long-term problems of high unemployment, a large foreign debt, and persistent and rising inflation. Slowness in reaching agreement on reform measures to implement the stabilization program was partially to blame.

Although the fundamental tenets of Socialist self-management and the federal structure of the State are among the declining number of taboos which cannot be questioned, there is relatively open debate within and outside the League of Communists on the implementation of these concepts. Key topics frequently discussed in the open include the boundaries of permissible political and cultural expression, economic reform, and the functioning of the political system. Some issues, however, such as the rights of and the relations among ethnic groups, appear to be so sensitive that free speech is not tolerated. The multiethnic composition of the population and the tragic internecine strife between Croats and Serbs during World War II have made Yugoslav leaders wary of separatist sentiment. Various Yugoslav governments have taken stern measures to repress displays of "nationalism."

The human rights situation in Yugoslavia improved marginally during the year but was still marred by several negative developments. The major political trial of the so-called "Belgrade Six," which concluded in February 1985, resulted in the effective release of three of six defendants and in light sentences for the three defendants who were convicted. Appeals courts further reduced these sentences and freed another of the accused entirely. Arrests and convictions for what in Yugoslavia are called "verbal crimes" continued at a lower but still significant level in comparison to 1984, most often on charges involving "nationalism."

Continuing Serb-Albanian antagonism in south Serbia and the autonomous province of Kosovo produced a number of violent incidents, and a small but steady stream of Albanian

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"nationalists" and irridentists were jailed on a variety of charges. Nationalist incidents in other parts of the country also caused concern for authorities.

In 1985, political and economic issues were debated more openly in the press and public. The Serbian Orthodox Church was permitted to resume construction of a major cathedral in Belgrade. Debate also continued on change in the political system, such as multiple candidates for political office, and on reform of the criminal justice system to eliminate some categories of political offenses.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There were no instances in Yugoslavia during 1985 of alleged killing by government forces. In the autonomous province of Kosovo, an ethnic Albanian policeman was killed by an ethnic Albanian teenager, who some said had been recruited to do so by an Albanian nationalist organization

In the past, Serb-Albanian ethnic tensions in the Kosovo have resulted in violence and sometimes fatalities. Attacks by members of one nationality on another continued at a low but steady level in 1985, but no deaths were reported.

b. Disappearance

No instances of prolonged or permanent disappearance of persons inside Yugoslavia were reported in 1985.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Although both Yugoslav law and the Constitution forbid torture, various sources report that people have been beaten, maltreated, or threatened during pretrial detention or while serving sentences. A number of witnesses at the "Belgrade Six" trial charged police with using threats, physical intimidation, and beatings to obtain testimony. Sarajevo sociology professor Vojislav Seselj, serving a sentence for hostile propaganda, was reportedly beaten by his jailers. "Belgrade Six" defense attorney Vladimir Seks charged Yugoslav prison authorities with widespread abuse of prisoners' rights and dignity through beatings and other degrading and cruel practices. Some ethnic Albanian prisoners from Kosovo complained of physical and mental abuse by authorities during pretrial detention and while serving their sentences.

The Yugoslav press has reported instances of police misconduct for which police officials have been reprimanded, suspended, and subjected to criminal prosecution on charges of excessive use of force and abuse of citizens' rights. One case of alleged police misconduct in 1985 was the manhandling of London Observer and Daily Mail correspondent Peter Hadzi-Ristic by police in Mostar incidental to his arrest on charges of making hostile statements. No charges were brought against the police.

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d. Arbitrary Arrest, Detention, and Exile

"Political crime", as defined by the Yugoslav Criminal Code, consists of attempts to overthrow the constitutional order or to undermine the country's territorial integrity, unity, or basic constitutional system. "Political crime" includes a number of broad, imprecise categories, such as "counterrevolutionary acts," "association (for the purpose of) hostile activity", "insulting the reputation of the President of the Republic," "fostering national hatred," and "hostile propaganda." Enforcement of these laws varies widely from republic to republic, with the result that people have been jailed in some parts of Yugoslavia for acts which in other parts of the country rarely, if ever, result in criminal sanctions. Authorities remain particularly sensitive to manifestations of nationalism and to contacts with a range of emigre groups considered subversive.

Pretrial confinement in political cases does not usually occur, and the system of bail used for other criminal offenses remains applicable.

Yugoslav legal procedures derive from Napoleonic law and are generally followed in all, including political, cases. Arrests are conducted pursuant to warrants, defendants are brought before a judge within 24 hours of arrest, individuals arrested for political reasons are usually charged with the specific sections of the Criminal Code dealing with political crimes, and defendants have the right to independent counsel.

The Criminal Code allows the arrest and imprisonment of Yugoslav citizens for acts considered political offenses under Yugoslav law, even though they were committed abroad and were not crimes in the country in which they took place. Such cases are often based on the expression of views hostile to the Yugoslav regime or association with anti-Yugoslav groups. In 1985 such instances involved Yugoslav dual nationals or guest workers resident in the Federal Republic of Germany, Austria, and Switzerland.

There is no information to indicate that forced labor is practiced in Yugoslavia.

e. Denial of Fair Public Trial

Although ordinary criminal trials are almost always open to the public, not all political trials are. Yugoslav political authorities usually do not actively interfere in judicial proceedings concerning political cases. However, substantial evidence exists that in some cases Federal, Republic, and provincial political authorities have sought to orchestrate the trials of those charged with political crimes. Some human rights organizations believe that the outcome in political cases in Yugoslavia is predetermined. Others, including some critics of the Government, hold that the courts have considerable independence, particularly in determining the length and type of sentences, if not innocence or guilt.

Developments in 1985 evinced considerable evidence of appellate court independence. In several important political cases, appellate courts either altered the charges or reduced sentences, particularly in the cases of Vojislav Seselj and the "Belgrade Six." In these cases, appellate courts threw

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out convictions on two charges by lower courts, in one case freeing the defendant entirely.

Although many persons accused of political offenses are able to find able, energetic counsel, there are cases in which government authorities seek to intimidate or chastise attorneys who take political cases. Several of the defense counsel for the "Belgrade Six" have suffered reprisals from the authorities. For example, although Vladimir Seks was convicted in 1981 for "hostile propaganda", government determination that he serve his sentence in 1985 probably stemmed from his active participation in the defense at the Belgrade trial.

The precise number of current political prisoners is very difficult to determine. Official figures are hard to obtain and frequently contradictory. According to last July's report by the public prosecutor covering calendar year 1984, the authorities brought charges against 466 persons in political cases, a decrease from 1983. Only in Kosovo did the number of political cases rise--by some 39 percent; 275 persons, or 59 percent of the total accused of political crimes were of Albanian nationality. Nearly two-thirds of the political cases were so-called "verbal crimes", that is, charges arising from something the accused said or wrote.

The Yugoslav Federal Secretariat for Internal Affairs (i.e. the security and police apparatus) reported that in 1984 police brought 809 criminal (i.e. felony) complaints and 4,268 misdemeanor charges against persons accused of "acting in a hostile fashion," including those accused of espionage or terrorism. Figures for 1985 are not yet available, but the trends show a drop in political cases in Slovenia and Serbia proper, and a slight rise in political crimes, particularly nationalist activity, in Kosovo and parts of Dalmatia (Croatia) and Bosnia-Hercegovina.

At present, there may be some 450 to 500 political prisoners in Kosovo. Countrywide, the number of political prisoners may be between 600 and 1,000.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Yugoslav authorities are widely believed to interfere in the private lives of citizens. Allegations of such interference are most common from those citizens actively engaged in nonofficial political activity. Although the judicial system provides elaborate safeguards concerning procedures for conducting searches, these safeguards are sometimes abused. The most widely publicized charges of illegal searches during 1985 were made by defendants and lawyers at the "Belgrade Six" trial. Many Yugoslavs also believe that authorities eavesdrop on conversations, read mail, and tap telephones.

Yugoslav citizens are generally free to receive and read foreign publications. Infrequently, the import or sale of a particular issue of a foreign publication will be banned, usually because the issue contains a story which the authorities believe presents false or hostile information about Yugoslavia. The publications of certain Yugoslav emigre groups are considered hostile in themselves, and their importation, possession, or sale is frequently subject to criminal charges.

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Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

During 1985 Yugoslavia continued its slow and at times halting, but generally acknowledged, movement toward greater openness and freedom of speech and press. In theory, both the Yugoslav Constitution and Yugoslav law affirm these freedoms.

The Government grants some latitude to what it considers non-nationalist and nonthreatening oral expressions of disagreement with government policy. The authorities tolerate considerable commentary and criticism in academic and some quasi-official public forums. Nonetheless, a few subjects remain taboo, such as changing the political status of the autonomous province of Kosovo and interpreting the history and present state of relations between Serbs and ethnic Albanians. Ethnic Albanian professors at Pristina University have been criticized in the press, and several have been dismissed, for alleged Albanian "nationalism" in their teaching and writing.

The authorities also seek to punish allegedly derogatory or inflammatory ethnic statements which they consider incendiary. Such "hostile" oral statements and other forms of personal expression (e.g., painting slogans) are grounds for criminal prosecution. For example, "Belgrade Six" defense lawyer Vladimir Seks served a 7-month sentence in 1985 for alleged pro-Nazi statements made in an Osijek cafe in 1981. He allegedly complained that everything was rotten in Yugoslavia, insulted Tito, and suggested that Yugoslavia needed someone like Hitler to restore order. He was also disbarred for 10 years. British journalist Peter Hadzi-Ristic, although in the end charged only with disturbing the peace, was arrested and charged in August 1985 for "hostile statements" made to two strangers in a Mostar restaurant.

In general, the autonomy of newspaper publishing houses has increased markedly in recent years. A new Federal press law was adopted in July 1985 which its authors widely touted as facilitating popular access to more abundant and varied information. Press criticism of government policies and proposals concerning domestic political and economic issues is frequent. There is also ample criticism of the Federal Cabinet and of the League of Communists at all levels, but criticism of the state Presidency is rarer.

However, both Yugoslav law and practice impose some restrictions on freedom of the press and freedom to publish. Public prosecutors have the authority to ban the publication and sale of books or periodicals if their content is deemed "hostile." Yugoslav authorities claim that this power is rarely used and that only seven books were banned in Yugoslavia during 1984. However, this figure can be misleading, as some publications have been restrained or discouraged without resort to formal legal procedures. For example, in early 1985 two Belgrade publishing houses dropped plans to issue collections of the work of Slobodan Jovanovic, historian and minister in the pre-World War II Yugoslav Government, after both government and party officials denounced the proposed publications. Banning of books is often a local option, and standards of what is unacceptable vary widely throughout Yugoslavia. For example, the popular

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novel "Noz" (the knife) by Vuk Draskovic remains banned in Sarajevo, Bosnia-Hercegovina, but is freely sold in Serbia.

Although there is no prepublication censorship of the print and broadcast media, the authorities exercise indirect oversight through publication boards, and the editorial staff relies on self-censorship. Nevertheless, journalists and writers have tried to breach previous limits with mixed results. For example, a new, irreverent and iconoclastic magazine, Dinar, failed after only one issue in April 1985 because of a barrage of political criticism. In October 1985, Knizevne Novine, the organ of the Serbian Writers Union, was criticized by the Belgrade party organization for publishing materials which allegedly undermined the basic values of the Yugoslav system. The editors of the publication responded that its critics were falsifying the charges and were guilty of predictable repressiveness.

Similarly in book-publishing, the authorities generally provide only loose political oversight. Police and prosecutors intervene rarely. Although works by some authors, such as Milovan Djilas, have long been banned, many publishers and writers have been testing the limits of the permissible, a process which has resulted in occasional clashes with the authorities. The works of Soviet and other Eastern European dissidents are published in large press runs and sold widely. The Polish Nobel Prize winner Czeslaw Milosz was feted by the Yugoslav Union of Writers when he visited Belgrade in mid-1985 to promote a new edition of his works. In early 1985 the publication of Serbian writer Dobrica Cosic's novel, "The Sinner", became an issue because of its allegedly unfavorable treatment of the Communist Party between the two world wars. Although senior politicians attacked the book sharply, Cosic suffered no reprisals. In late 1985 the publication, with a government subsidy, of Veselin Djuretic's "The Allies and the Yugoslav Wartime Drama", a revisionist history of World War II in Yugoslavia, aroused controversy. Djuretic was accused of rehabilitating the Cetniks, Serbian national opponents of Tito's partisans during the war. Despite the furor caused by the book, Djuretic has thus far suffered only minor reprisals (loss of party membership), and his work remains in circulation.

During 1985 there continued to be considerable discussion in the Yugoslav press and public over the desirability of reforming the Criminal Code to eliminate so-called verbal crimes. Despite their discussion, it appears that such reform will not occur soon.

b. Freedom of Peaceful Assembly and Association

Public political demonstrations are permitted only by official organizations and generally only in support of government policies. Others are usually suppressed. Public gatherings and meetings of private organizations are permitted but must be registered with the authorities. Regular meetings of the Serbian Philosophical Society, which has been critical of the authorities' handling of domestic dissent and other domestic policies, continued to be tolerated in 1985. When police interrupted a meeting of the Serbian Writers' Union in early 1985 in which government policies had been harshly criticized, there was widespread press support for the Union's protest, and local police later admitted an error. In May 1985, Slovene authorities tolerated a brief march in Ljubljana

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protesting the Government's military parade in honor of V-E Day.

The future of private gatherings remains problematical. The acquittal of some, and light sentences for others, of the "Belgrade Six" left the status of Belgrade's so-called "Open University" up in the air, but the gatherings reportedly have continued. Intellectuals critical of the Government have expressed confidence that it will not soon again attempt to disrupt or raid peaceful gatherings in private homes. However, authorities have taken other steps to harass critical intellectuals or so-called "dissidents", such as police questioning of colleagues and supervisors at their workplaces.

Trade unions are organized geographically by republic and province, and by trade within these boundaries. They are, however, no longer simply "transmission belts" of party authority and control. Under Yugoslavia's system of self-management, unions play a significant role in representing workers' interests in the management of enterprises, including the distribution and levels of income, the determination of working conditions, and the settlement of disputes. Union leaders play a significant role in the political system in advocacy of worker interests on such matters as the impact of inflation, standard of living, and wage policies.

Strikes, often referred to as "work stoppages," are neither explicitly legal nor illegal. They occur with increasing frequency, usually for local reasons. Most strikes involve either the amount or distribution of personal incomes within the work force of a particular enterprise. They usually are settled quickly, after consultation between the workers or their representatives in the larger enterprises and the management.

In 1985 the number of strikes in Yugoslavia almost doubled (to about 600) and involved one-third more workers. The authorities were especially concerned that strikes at several large enterprises would result in greater economic hardship, a continuing fall in the standard of living, and more extensive labor unrest.

The Confederation of Trade Unions of Yugoslavia is a member of the International Labor Organization (ILO). In early 1985 the ILO released a report, resulting from a 1983 visit to Yugoslavia, on the status of labor and trade unions in Yugoslavia with the major focus being on the implementation of the self-management principle. The Yugoslavs accepted the study with few reservations.

c. Freedom of Religion.

Yugoslavia is a multireligious state. Most Yugoslav believers are members of the Roman Catholic Church, of the Serbian or Macedonian Orthodox Churches, or of the Islamic faith. Since World War II, the religiously observant Jewish community has numbered only several thousand persons. There is no official or favored religion; the Government officially encourages atheism. Freedom to practice religion is guaranteed under Yugoslav law, but proselytizing is outlawed. Religious communities have their own publications sold by subscription or at churches, although not at public kiosks. Their contacts with coreligionists abroad are not restricted.

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The building of new churches and mosques requires government permission. Muslims have succeeded in erecting or renovating many mosques in Bosnia and have recently obtained permission to construct a large new mosque in Zagreb. In Belgrade, the Serbian Orthodox church in 1985 received authorization after 40 years to recommence construction of St. Sava Cathedral, originally begun before World War II. The rededication of the site of the cathedral was marked in May 1985 with a gathering of at least 10,000 church officials, believers, government representatives, and curious onlookers. The Government allowed several other religious gatherings of equal size in various parts of Yugoslavia during 1985, including a major Roman Catholic gathering in Djakovo at which Cardinal Casaroli of the Holy See spoke before an assemblage of European Cardinals, Yugoslav Government officials, and thousands of ordinary believers. Authorities also continued to tolerate large-scale pilgrimages by domestic and foreign Catholics to Medjugorje, a small village in Bosnia-Hercegovina where the Virgin Mary is said to have appeared before several children.

There is some discrimination against religious believers of all faiths; for example, a party member who has his children baptized risks expulsion from the party. Some party officials have criticized this punishment. Constraints on occasional attendance at services and religious instruction of children vary from region to region. All three major faiths make vigorous efforts to provide religious instruction to youth.

Conflicts between the State and Yugoslav religious communities develop when the latter attempt to engage in what the authorities consider "nationalist" or political activities. The authorities regard ties between Yugoslav Muslims and Islamic fundamentalist groups with suspicion. They regularly criticize Catholic Church organizations in Yugoslavia for alleged support of Croatian nationalism and political activism. They have also criticized the Serbian Orthodox Church, less intensely, for Serbian nationalism. They occasionally charge individual priests and Muslim imams with political offenses, usually related to "nationalism."

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement within the country is guaranteed by the Constitution and permitted in practice. However, many ethnic Serbs believe that the out-migration of ethnic Serbs from the predominantly ethnic Albanian Kosovo province is the result of anti-Serbian behavior on the part of ethnic Albanians (including personal threats or occasional violent acts, forced sale of property, or vandalism). This has been the subject of public debate among political figures.

Almost all Yugoslavs are able to emigrate, seek temporary employment abroad, and visit foreign countries at will. Half of the country's population possesses valid passports, and no exit permits are required to visit the more than 135 countries with which Yugoslavia has diplomatic or consular relations. Yugoslav Jews (and many non-Jews) freely visit Israel, with which Yugoslavia has no diplomatic relations. Some Yugoslavs are denied passports either temporarily or permanently on national security, political, or criminal grounds. Over 600,000 Yugoslav workers, some with family members, are employed as "guest workers" in Western Europe.

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The law on the entry of foreigners to Yugoslavia notes the right of permanent asylum and provides for government assistance to persons granted that right. In addition, Yugoslavia extends temporary asylum to refugees who, with the assistance of the Belgrade office of the United Nations High Commissioner for Refugees, seek permanent resettlement in third countries. At present, there are about 1,700 refugees temporarily in Yugoslavia. There were no known cases of forcible repatriation of a refugee to his home country in 1985.

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

The 2-million-member League of Communists of Yugoslavia maintains a monopoly on political power, but that authority is dispersed because the party is decentralized to the level of the six republics and two provinces. Yugoslav politicians and the press regularly note that the country's eight regional party organizations hold widely differing views on key policy issues. Because of such differences, the authority of the party in the Yugoslav Government is not absolute.

Governmental bodies are responsible in theory and in fact for administering and drawing up policies, especially economic policies. At the top of the government structure are the collective state Presidency (chief of state), the Federal Executive Council (Cabinet), and the Federal Assembly (Parliament). The Presidency is responsible for overall policy direction. The Cabinet is responsible for running the governmental machinery and proposing specific legislation. The Federal Assembly is responsible for enacting legislation. It operates sometimes by majority vote and sometimes by consensus among delegations representing the country's six republics and two autonomous provinces. The Federal Assembly in recent years has been quite active and contentious. It has several times rejected or drastically altered proposals endorsed by the Federal Presidency and Cabinet, and it is often the scene of sharp debates which are generally reported fully in the press and on television. Federal laws must also be adopted separately by Republic and Provincial Assemblies before they can be implemented, and thus these local assemblies wield considerable power, amounting at times to an actual veto of federal authority. In certain cases, delegates to the Federal Assembly must have authorizing instructions from their respective Republic or Provincial Assembly before engaging in negotiation or compromise on federal legislative measures.

Selection to party bodies is accomplished by the party bodies themselves. Methods range from secret ballot and majority vote to cooptation. In late 1985 there was considerable discussion in the party over the desirability of having multiple candidates elected by majority vote.

Selection to government bodies occurs via a delegate system. Nominations originate in the various socio-political organizations which are parts of the mass umbrella organization, the Socialist Alliance of the Working People. This includes the trade unions, the League of Socialist Youth, and the Union of Veterans. On the local level, ordinary workers can and do play an active role in the selection process. Only one candidate is usually nominated for each office, although as of late 1985 there had been several elections involving more than one candidate, particularly in

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the Republic of Croatia and the city of Zagreb. The concept of multiple candidates has received much public attention. Virtually all government offices mandate a rotation of officials once every year or 2 years, usually with the possibility of extension for one additional term.

Yugoslavia's many ethnic groups generally have equal access to political and government positions, especially through their respective republics and provinces. Various senior executive government and party positions rotate annually from one nationality to another according to a predetermined national "key." There are some allegations of political discrimination, particularly from ethnic Albanians, that Serbs are overrepresented in the party and government organs of the autonomous province of Kosovo. However, in terms of percentages and visibility, these allegations are not borne out by the situation as of late 1985. Although the current Federal Prime Minister is a woman, there are still allegations that women cannot participate fully in government and political life. While full and unimpeded opportunities for women are mandated by law, women are underrepresented at higher levels, reflecting longstanding social attitudes and customs.

Section 4 Government Attitude Regarding International and Nongovernmental Investigations of Alleged Violations of Human Rights

The Government is sensitive to Western charges of human rights violations within Yugoslavia and often attempts to dismiss such charges as efforts to bring pressure on Yugoslavia to alter its social, economic, or political system. The Government issues visas to representatives of international human rights groups, but its officials may refuse requests for appointments. On at least one occasion in 1985, however, the Prime Minister received a representative of a foreign human rights group to discuss the human rights situation within Yugoslavia. Representatives of Western human rights organizations and the Western press were permitted to attend the trial of the "Belgrade Six" through to its conclusion.

In its 1985 Report (concerning the year 1984), Amnesty International was concerned about the imprisonment of over 200 prisoners of conscience. It received allegations of ill-treatment during investigation from several political prisoners and was also concerned about ill-treatment and conditions in some prisons where political prisoners were held. It called for the release of two prisoners of conscience forcibly confined to psychiatric institutions. Freedom House rated Yugoslavia "partly free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The population of Yugoslavia in 1985 was approximately 23.1 million, with an annual growth rate of 0.7 percent. According to World Bank statistics, per capita gross national product in 1983 was \$2,570.

In 1985 the largely decentralized Yugoslav economy performed less well than in 1984. Economic performance got off to a weak start in the early months of the year as Yugoslavia experienced one of the worst winters in the past 25 years. Performance began to improve in the second quarter, but export growth was less than expected, and agricultural and industrial

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output growth both lagged. A drought from July to September resulted in smaller crops than the record levels of 1984. Yugoslavia was again compelled to reschedule a portion of its nearly \$20 billion in foreign debts, but interest payments were maintained without interruption.

In an attempt to cope with its economic problems, Yugoslavia has maintained a domestic austerity program since 1980, and the Long-Term Economic Stabilization Program lasting until 1990 was approved by the Federal Parliament in mid-1983. Development of reform measures has taken longer than originally anticipated, and inflation has continued to mount, reaching an all-time record in excess of 75 percent in 1985. Since 1980, real incomes have fallen more than 30 percent, but most Yugoslavs have been able to maintain their standard of living at higher levels than the fall in real incomes suggests. Official statistics indicate that overall personal consumption fell only 3 percent between 1979 and 1984, but some Yugoslav experts have indicated that the standard of living in 1985 had fallen back to the level of 1967.

There is an extensive system of social and medical insurance for those who are old, disabled, and unemployed. The Government provides a network of day-care nurseries for working mothers. Life expectancy at birth in 1985 was 71.7 years, and the infant mortality rate was 30.0 per 1,000 live births. Education is extensive, government-run, and free through high school. The adult literacy rate was 90.5 percent in 1981, with 95.9 percent of males and 85.3 percent of females literate. In January 1985, the Federal Committee for Labor, Health, and Social Affairs announced that 2.5 million citizens could be considered socially endangered due to low incomes. Of these, 1.2 million were pensioners drawing monthly pensions of roughly \$80 or less.

Almost 85 percent of all land is privately owned. Farmers may own up to 10 hectares of arable land plus additional hectares of mountainous terrain as pasturage. Small-scale private enterprise is permitted, and republican and provincial laws limit the number of employees in private enterprises to 5 to 10 workers, plus family members.

Factories in theory are owned by society as a whole and administered by their workers, organized in enterprise-level workers' councils. In practice, the influence of workers' councils varies, but they are actively involved in determining worker incomes, fringe benefits, and working conditions. Through their trade union organizations, workers participate in decisions affecting housing, transportation, continuing education, and other living and working conditions.

The standard workweek is 42 hours. Common practice is to work five 8-hour days per week, and one Saturday per month. Most workers have the right to 1 month's paid vacation per year, as well as extensive sick leave. The minimum age for the employment of children is 16 years. In practice, young people from developed, urban areas usually wait a long time for their first job because the unemployment rate among young people is particularly high. Working conditions and safety are regulated by republican and provincial law.

The Constitution guarantees the equality of citizens regardless of sex, and the Government has taken steps to improve the status of women. Maternity leave for employed

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women is very liberal and is routinely granted for periods between 9 and 12 months. Depending on the republic, working mothers are given day-care allowances based on their salaries and the number of children to be cared for. Also, for up to 2 years after the birth of a child, a working mother may take sick leave when her child is ill.

The role of women in Yugoslavia's work force has slowly improved as a result of increased education and urbanization in the society as a whole. According to statistics for 1984, 37.3 percent of the Yugoslav work force was composed of women, as opposed to 34.5 percent in 1974. However, women still hold relatively low positions in their respective fields of employment.

The Constitution charges government authorities at all levels with protection of the cultural rights of all the peoples of Yugoslavia. The use of the major local language is required in official communications between Belgrade and the various republics, and local languages are used in the schools, courts, and local media. Each citizen has the right, in theory and practice, to address courts and government agencies in his own language. Despite government efforts, some social discrimination continues, however, particularly against ethnic Albanians and Gypsies.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: YUGOSLAVIA

	1983	1984	1985
I.ECON. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.AID	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN \$-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.1	0.1	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.1	0.1
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING...	0.0	0.0	0.0
C.INTL MIL.EO.TRNG...	0.1	0.1	0.1
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	0.1	0.1	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.1	0.1
OTHER US LOANS.....	0.0	48.0	0.0
EX-IM BANK LOANS.....	0.0	47.2	0.0
ALL OTHER.....	0.0	0.8	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1983	1984	1985	1946-85
TOTAL.....	623.3	583.3	520.4	5409.0
IBRD	520.0	451.0	292.5	4528.7
IFC	35.4	64.7	101.6	529.5
IDA	0.0	0.0	0.0	0.0
IDB	0.0	0.0	0.0	0.0
AOB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.9	0.9	0.0	37.7
OTHER-UN	0.0	0.0	0.0	3.1
EEC	67.0	66.7	126.3	310.0

NEAR EAST, NORTH AFRICA, AND SOUTH ASIA

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In April 1978, a bloody Communist coup toppled the Afghan Government and led to the creation of the Democratic Republic of Afghanistan (DRA). Following a period of intense and violent intraparty factionalism and growing internal opposition, the Soviet Union invaded Afghanistan in December 1979. Soviet occupying troops--numbering 118-120,000--plus regime forces, are now in the seventh year of a brutal country-wide war against the Afghan resistance, or mujahidin, which is supported by the vast majority of the people. The regime headed by Babrak Karmal depends totally on the presence of the Soviet troops for its authority and its very existence; its writ extends mainly to Kabul and several other cities and military bases.

The Soviets' central and long-term objective appears to be to absorb Afghanistan into the socialist system by reshaping that country's traditional Islamic society into the Soviet mold as they did in Central Asia in the 1920's. Since the 1979 invasion, Soviet advisers have moved into controlling positions in government ministries, the armed forces, and the security apparatus. They now either directly make, or are deeply involved in, all significant political, military, and socioeconomic decisions. With Soviets dominating the central government organs, the still divided Marxist-Leninist People's Democratic Party of Afghanistan (PDPA) serves principally as a political facade.

Even before the economic deterioration brought about by the years of upheaval and warfare since 1978, Afghanistan was among the world's poorest nations. The war has further lowered living standards, disrupted the international trading system, led to the devaluation of the currency, and disrupted internal economic production and distribution. Moreover, the Soviets have pursued a deliberate policy of destroying crops, livestock, irrigation systems, and villages as part of their strategy.

Afghanistan is a country without an independent judiciary to guarantee even the most fundamental human rights. The most feared and consistent violator of human rights is the secret police, KHAD. More than 25,000 Afghans are believed to work full time for KHAD under the close supervision of Soviet secret police (KGB) "advisors." KHAD has operational responsibility for collecting foreign and domestic intelligence, conducting clandestine activities inside Afghanistan and abroad, and maintaining regime control through intimidation, surveillance, arrest, interrogation, and imprisonment.

An already bad human rights situation deteriorated still further in 1985. Basic rights continued to be violated on a magnitude unprecedented in recent Afghan history. Military and KHAD forces carried out systematic violations of the human rights of Afghans on a grand scale, and with impunity, as part of their campaign to maintain their grip on the few urban Afghans under their control. Urban centers were repeatedly bombed and strafed by aircraft and subjected to mortar and artillery bombardment. Large-scale military operations were mounted with scant regard for--and at times with deliberate intent to cause--death and injury to innocent civilians. Harsh reprisals continued against non-combatants, and entire villages were bombarded on suspicion of harboring resistance

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fighters. Reports continue of old men, women, and children being rounded up and shot.

Moscow's brutal conduct of the war has resulted in one of the greatest mass migrations in history. Many Afghans have been forced into urban centers such as Kabul, whose population has more than doubled to over 2 million. More than 5 million Afghans have been uprooted, nearly 4 million of them becoming refugees abroad. In large areas of the countryside where the resistance is active, wartime conditions and longstanding animosities among competing tribal groups have led to multiple taxation, arbitrary detention, and outright banditry. Without the withdrawal of Soviet forces and a political resolution of the conflict, there are no prospects for an improvement in the human rights situation.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

As in the past, arbitrary killings and other acts of violence by Soviet and Afghan troops and security forces were a daily occurrence throughout 1985. In March, Soviet soldiers reportedly murdered over 1,000 civilians during punitive strikes against villages in Laghman Province in retaliation for their support of the mujahidin. In May, again in Laghman Province, some 100 innocent civilians, mostly children and old women, were slaughtered when Soviet soldiers attacked the village of Qargan'i. After looting homes, the soldiers massacred women and children who had taken refuge in the village mosque.

Large-scale Soviet-led military operations in Logar valley caused death and massive destruction in villages located east of Asadabad and created another influx of several thousand refugees into neighboring Pakistan. Military operations in the Panjsher added to the destruction visited on villages during 1984. During October, Soviet and Afghan troops were reported to have systematically destroyed many of the smaller villages around Jabol As Saraj, near the mouth of the Panjsher. Homes and fields were methodically destroyed, often with bulldozers, and large numbers of women and children fled into Kabul and the larger towns in the Shomali.

Battlefield executions of captured resistance fighters are commonplace. Although fighting is a daily occurrence, there are no known prisoner-of-war camps or facilities for detention of resistance fighters. Regime media seldom mention the capture of mujahidin but make frequent reference to their "elimination." Reports continue to circulate that resistance forces have also killed captured Afghan (particularly officers and party members) and Soviet soldiers, though the standard practice for captured Afghan troops, and often officers as well, is to invite them to join the resistance and/or to send them back to their villages. There have been reports that in isolated instances a few prisoners have been exchanged, but such is by far the exception rather than the rule. The mujahidin have kept some Soviet prisoners in an apparent attempt to bring about prisoner exchanges, but the Soviets and DRA have shown little interest; as a result, Soviet prisoners

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are often executed when they become a burden to mujahidin forces because of military operations. Some Soviet soldiers have reportedly defected to and fight with the resistance.

The pace of executions of political prisoners seems to have picked up in 1985, but the regime has provided no reliable data. There was one report of an attempted breakout by 13 political prisoners from Kabul's notorious Pule Charkhi prison in early October. Wives, children, and other family members have been threatened or killed by Soviet and Afghan troops in an effort to extort information or confessions from villagers during house-to-house searches.

The Soviets continue to employ particularly cruel types of antipersonnel explosives to restrict the movement of resistance forces, and refugees alike. Butterfly mines and explosive devices disguised as household objects or toys have been strewn along trails and paths in the southwest and eastern regions of the country. Many of the relatively large number of leg and foot injuries seen on the streets of major towns and cities of Afghanistan, and among many of the refugees, probably result from such explosive devices.

Kidnappings and assassinations by mujahidin of Afghan Communist Party members, suspected police agents, informants, and Soviets in Afghan cities are a common occurrence. Political assassinations are often the work of rival party factions rather than the mujahidin, however. Resistance attacks against regime and Soviet targets have led to the death or injury of innocent bystanders. However, most resistance actions in urban centers are directed against military or government objectives.

There has been no fully confirmed report of the use of chemical weapons by Soviet forces in Afghanistan since 1982. However, reports continue to be received of incidents in which chemical or toxic agents may have been employed. There was one unconfirmed report of the use of chemical weapons by Soviet/Afghan forces during a military operation near Maidanshahr in Wardak Province in early October. Thirty Afghan soldiers and a number of civilians were said to have perished when the vapors drifted over their positions.

b. Disappearance

Persons frequently disappear and are never heard from again, although families as a rule eventually learn when missing relatives have been taken as military conscripts or have been detained by the secret police.

Reports continued of abductions of KHAD members by the resistance. In almost all cases, those abducted were executed or detained for lengthy periods.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and physical or psychological intimidation remain standard techniques used by the security services, reportedly with the participation of Soviet "advisers," to extract information or confessions from detainees and to inflict punishment. Such torture reportedly includes electric shock, beatings, deprivation of sleep, extraction of fingernails, and burning of genitalia.

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One man was repeatedly tortured over an 18-month period before his will was finally broken enough for him to appear before regime television in 1985 to recount his "crimes" against the regime. There are similar accounts of other prisoners being "prepared" for public recantations.

Independent international human rights groups have repeatedly cataloged credible reports, many of them firsthand, of torture and ill treatment of people while in custody of the military and KHAD. Amnesty International, in its report "Torture in the Eighties," and more recently the U.N. Commission on Human Rights' report--approved by the General Assembly--on the human rights situation in Afghanistan, have both described grisly treatment of prisoners at the hands of the Afghan security apparatus. Resistance fighters have also been known to inflict grisly punishment on those who fall into their hands.

d. Arbitrary Arrest, Detention, or Exile

There are no effective constitutional or legal safeguards against arbitrary arrest or detention. Afghans in areas controlled by the regime live in fear of unwarranted seizure by the secret police. Persons are often detained for questioning on the word of KHAD informants and are not told of the charges against them. Warrants are not used, nor is the right of habeas corpus respected. Untold numbers of prisoners have languished incommunicado in Afghan prisons. Formal charges are usually brought only after months of interrogation, if ever. In many instances, innocent victims are rounded up, imprisoned, and virtually forgotten. Political crimes range from armed opposition to authorship or distribution of leaflets against the regime or Soviet occupiers, or simply an association or remote connection with a foreigner.

Bail has never been a regular feature of Afghan law. In cases of common crimes involving wealthy persons or those with good connections, bail is sometimes granted. Corruption, however, is so widespread that it is possible for the families of people detained for common crimes to obtain their release after paying bribes to secret police agents or regime officials.

To compensate for recruiting problems and the high rate of desertions, the Afghan regime uses house-to-house searches and press gangs in the bazaars and markets of the major cities to obtain conscripts, often seizing those with no legal liability to service. The regime also forces soldiers to remain in service beyond their term.

In areas not under regime control, Soviet or Afghan soldiers or suspected secret police agents are either killed or detained after an informal mujahidin inquiry. Regime soldiers are often treated as fellow Muslims and are either invited to join the resistance or are instructed to return to their villages. Soviet soldiers are sometimes killed out of hand or held for long periods of time. In many cases, such as in the Panjsher valley, they are kept under detention. Prisoners held by the mujahidin reportedly face harsh conditions. The ratio of Soviet soldiers in captivity to the number of Soviets reportedly captured appears low, suggesting that many Soviets are executed. Under a 1982 agreement, the mujahidin have delivered to the International Committee of the Red Cross 11

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Soviet prisoners-of-war to serve a 2-year internment in Switzerland before being offered resettlement or repatriation to the U.S.S.R.

e. Denial of Fair Public Trial

All courts, whether civil, military, "revolutionary," or security, are controlled by the party. The laws governing their organization and jurisdiction set out as the first priority the safeguarding of the gains of the "revolution." One consequence is that plaintiffs may be denied due process simply because of charges regarding their political beliefs. Most of those accused of nonpolitical offenses are apparently tried in the civil court system under the harsh norms of pre-Communist judicial codes. Most political detainees, when charged, are arraigned on allegations of treason, espionage, or terrorism and are tried and sentenced in secret. They are not allowed effective legal counsel and are seldom able to cross-examine hostile witnesses. On the rare occasions when foreigners are accused of political crimes, they are denied their choice of defense counsel and not permitted to question regime witnesses whose testimony is invariably accepted as fact by the court.

In the case of widely known acts against the Government or Soviets, there is generally a televised recantation followed by a show trial. In August, five persons were condemned to death in Mazar-i-Sherif following their "confessions" about planting a bomb in an apartment building and a host of other "crimes against the revolution." Three others were condemned in June for a series of alleged crimes near Kabul, including a March bomb blast in a bazaar in which at least one Soviet woman was killed. Press accounts of such show trials repeatedly use formulations such as, "The suspects will be tried and sentenced," indicating the sham nature of the trials. Although in most cases the penalty was death, occasionally lengthy prison sentences were substituted. Death penalties generally are carried out quickly after a pro forma review by the ruling Revolutionary Council. There is no appeal from a death sentence endorsed by the Revolutionary Council.

In areas not controlled by the regime, civil and criminal cases are apparently tried by Islamic "qazis" (judges) under traditional Shari'a law and Afghan custom. The imposition of such sentences as death, stoning, or mutilation is reportedly rare. There are also some mujahidin courts for trying Soviet and regime soldiers or suspected regime agents. Little is known of these bodies, although they are believed to be based on traditional or Islamic jurisprudence.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Afghan regime and the Soviet occupation forces do not recognize the right to privacy. In the cities and during military operations against villages, areas are frequently cordoned off and subjected to house-to-house searches for military conscripts, mujahidin fighters, and weapons. Members of the secret police commonly accompany the military and check book titles and correspondence for evidence of unorthodox opinion or antiregime connections. House-to-house searches in Kabul are often conducted in the early morning before daybreak.

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Rights to privacy and freedom from arbitrary interference vary widely in areas controlled by local mujahidin leaders. The resistance has generally tried not to antagonize the civilian population by arbitrary demands for shelter or supplies, but there are exceptions, and growing suspicion caused by the increased use of informers and agents compounds an already difficult situation.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The regime and its Soviet backers consider the educational system and the mass media to be essential to the realization of their long-term objectives of Sovietizing Afghan society and of overturning all traditional Afghan social and political institutions. The regime tolerates no expression of ideas which have not been carefully weighed, judged, and approved by the party and its Soviet ideological supervisors. Every effort is taken to stifle and suppress opposition viewpoints, and criticism of the regime or the Soviets is swiftly punished. The regime employs censorship, surveillance, and oppression to ensure that all publicly expressed views hew to the party line. There is no academic freedom in Afghanistan.

All media are owned and controlled by the regime and tightly supervised by Soviet officials. The press, radio, and television are used to convey regime policy and the Soviet interpretation of world events. Soviet films and entertainment programs are frequently featured on Afghan television to reinforce that interpretation. The unlicensed import and sale of foreign video and audio tapes, magazines, books, posters, and other publications are forbidden. The great majority of new books on sale in Kabul, irrespective of language, are published in the U.S.S.R. Afghans are guarded in their private conversations, even among friends or colleagues, lest anti-regime or anti-Soviet remarks be reported to the secret police. Western radio broadcasts in the local languages are regularly jammed, although some programs do get through to Afghan listeners and constitute one of their main sources of information. The regime has actively hampered efforts of non-Communist news media to cover the war inside Afghanistan and has imprisoned or expelled foreign correspondents captured while accompanying the mujahidin. Soviet and regime spokesmen have threatened unauthorized foreign journalists with capture or death. The regime reportedly offered a reward for the capture of foreign journalists. One American journalist was killed in September by Afghan or Soviet troops near Kandahar while traveling with a resistance group.

b. Freedom of Peaceful Assembly and Association

There is no freedom of peaceful assembly or association in areas controlled by the regime; only assemblies which are regime-sponsored and orchestrated are permitted. The regime frequently stages "spontaneous" meetings to create the impression of popular support. Demonstrations at Western embassies can be arranged on demand. Without exception, all mass organizations are tightly controlled by the regime.

Employees have been threatened with loss of jobs or imprisonment if they refuse to join party organizations. In some cases, families are warned that their children will be

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forced out of school if they do not join one of the youth organizations. This campaign to restrict and channel political and social activities has encouraged the exodus of the already shrunken upper and middle classes.

There is no right of labor to organize in any meaningful fashion for the protection and furtherance of workers' economic and political goals. Trade associations and unions of workers and of peasants are closely modeled after those of the Soviet Union and serve as vehicles for the Sovietization of Afghan society. The Central Committee of Afghan Trade Unions, with a claimed membership of 150,000 workers, is an affiliate of the Communist-dominated World Federation of Trade Unions.

c. Freedom of Religion

Afghanistan is an overwhelmingly Islamic nation, primarily Sunni. There are some Shi'a Muslims, particularly in the Hazarajat area of central Afghanistan. Small urban enclaves of Hindus, Sikhs, and Jews have been traditionally tolerated.

The media portrays the regime as defending the faith and the resistance as destroyers of mosques. However, by far the vast bulk of the population appears to reject this interpretation and considers the regime and its Soviet sponsors to be anathema.

Since the 1978 coup, religious organizations have been tightly supervised. The regime established a Ministry of Religious Affairs in 1985. Major regime policies are promptly given the Ministry's imprimatur. Wherever possible, the regime selects, censors, and pays the mullahs for individual mosques. Such clerics are considered to be secret police agents by many Afghans and have been frequent targets for assassination by the resistance.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Domestic travel remains severely curtailed by the war. Overland movement has become more difficult because of damage to roadbeds and bridges. Surface travelers also risk being caught in fights between mujahidin and Soviet forces. Buses and other vehicles are sometimes deliberately attacked by Soviet or regime helicopter gunships. The civilian traveler is also faced with frequent checkpoints or roadblocks by Soviets, regime forces, mujahidin, and, in some cases, bandits. Tolls are often extracted. Regime officials ordinarily travel by air, since they risk being identified and executed at mujahidin roadblocks. Air travel has become more hazardous because of occasional resistance attacks on aircraft and airports. Reportedly three civil aircraft were downed by the mujahidin in 1985.

The regime severely curtails foreign travel by Afghans under its control. Travel to the West is effectively discouraged and permission routinely denied for fear the traveler will not return. Some businessmen can still obtain passports, but many Afghans are forced to pay bribes of \$1,000 or more for a passport. Bank accounts and real estate are often demanded as surety for return, and the regime is free to seize the property of persons absent for more than a year. Pilgrims to Mecca are carefully screened and are issued documents valid

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only for Saudi Arabia. In 1985, the regime levied heavy fees on pilgrims in addition to requiring the deposit of real estate with the Government in an effort to assure their return.

Legal emigration is virtually impossible, but large numbers continue to seek refuge abroad. Families caught attempting to leave the country have been arrested, shot, or bombed by Soviet or regime aircraft patrolling Afghanistan's borders. Nevertheless, over 3 million Afghans have been registered with various international relief agencies in Pakistan and Iran, and each new military operation creates more refugees. The regime maintains that exiles are welcome to return without penalty if they agree to support objectives of the "Saur Revolution." Few, however, have returned. Recently the regime established a commission to handle returning refugees, but although there is much traffic both ways across the border few refugees have taken the regime's offer.

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

Afghanistan is ruled by a totalitarian apparatus fronted by a handful of Afghans and the PDPA but in reality controlled by the Soviet Union. The party is modeled closely on Soviet lines and headed by a 12-member Politburo. Regime figures put the number of party members at 123,000 but the actual number of active members is far lower. Soviet military and civilian advisors sit in almost all ministries and make or approve every significant decision.

Membership in the PDPA, the sole legal political party, is a prerequisite for meaningful participation in public affairs and professional advancement in most fields. The party itself is deeply split between its Parcham and Khalq factions. The less numerous Parcham faction, presently favored by Moscow, retains control of the party apparatus.

The regime and Soviets exert control over only a few major cities, and then only by virtue of their military presence. In cities such as Herat and Kandahar, this control is limited and challenged frequently by armed resistance attacks. Most of the countryside is, for practical purposes, not under regime control.

In April the regime staged a five-day Loya Jirga (Great Council) meeting in Kabul involving over 2,000 delegates. Numerous sources, including many delegates, said that the meeting was largely organized by KHAD and that most of the participants had either been bribed or coerced to attend. Another Jirga of borderland tribes was similarly organized in September, again with participants subjected to bribes or coercion. At both Jirgas, only expression of support for the regime was permitted.

During the year, the regime also conducted elections for local councils in Kabul, Faizabad (the capital of Badakhshan Province), and Zaranj (the capital of Nimroz Province). A few minutes prior to the voting, the single slate of candidates was presented for the first time to the voters, who then cast their votes by raising their hands. Regime and secret police officials, some with cameras, stood watch at the fringes of these voting sessions, clearly to discourage "no" votes. Regime newspaper pictures showed young children raising their hands along with other voters.

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

The Kabul regime has resisted all efforts by international humanitarian organizations to investigate its human rights practices. The International Committee of the Red Cross has not been allowed in Kabul since 1982. A request by Helsinki Watch to send an official factfinding mission to Kabul was denied. The Afghan government has refused to cooperate with Special Rapporteur Felix Ermacora, who was appointed by the U.N. Human Rights Commissioner (UNHRC) in the summer of 1984 to investigate human rights abuses in Afghanistan. Based principally on interviews with Afghan refugees in Pakistan, various reports have documented large-scale human rights violations; these include a 212-page report by Helsinki Watch entitled "Tears, Blood and Cries" and Professor Ermacora's interim report of February 19, 1985.

The decision to appoint the UNHRC Special Rapporteur was strenuously opposed by the U.S.S.R. and Afghanistan, which further declared it would not be bound by any conclusion of the report. Since submission of his report to the UNHRC in Geneva in February 1985, Professor Ermacora has been subjected to personal attacks and vitriolic denunciations. The findings of the interim report, endorsed by the UNHRC, were approved by the U.N. General Assembly in December 1985. They state "that the current situation in Afghanistan has given rise to willful killing, including murder; torture and inhuman treatment; denial of a fair trial; arbitrary arrest and execution of sentences; and the taking of hostages." The UNHRC has extended the mandate of the Special Rapporteur for an additional year.

In its 1985 Report, Amnesty International expressed concern about the imprisonment of prisoners of conscience, the detention of political prisoners without charge or trial, the use of the death penalty, and reports of torture and ill-treatment of prisoners and extrajudicial executions. It also expressed concern about political trials which appeared to fall short of internationally recognized standards. Freedom House rates Afghanistan as "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Reliable social and economic statistics are not available. Population estimates vary widely but the true figure now may be under 10 million. There are also more than 3.5 million external refugees. The estimated annual population growth rate is 2.4 percent.

Party members, secret police, regime figures, and some merchants may have been enriched by the war, but most Afghans have suffered economically. Except for regime-subsidized staples in the major cities, the cost of many food items and housing has risen faster than personal income. Heating fuel costs have become exorbitant. Electricity is available only in a handful of cities and for varying periods and is often cut off completely in winter. Difficulties with surface travel and deliberate bombings of formerly rich agricultural and pastoral areas such as the Shomali, the northern steppe, and Helmand Valley have led to a decrease in traditional Afghan cash crops and exports such as grapes, dried fruit, and Karakul lambskins. Production of traditional handicraft items for export, such as carpets, has also been severely impeded. The once thriving tourism industry has vanished.

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Life expectancy is 37 years and the infant mortality rate is more than 180 per 1,000 live births. Rural health delivery services have never been adequate. At present, they are nonexistent except for folk medicine, a limited number of Afghan paramedics who are usually only semiskilled and serve in mujahidin-controlled areas, and foreign doctors who enter the country clandestinely. Medical services provided in urban areas under regime control are also inadequate because of the war-related rural immigration, war casualties, an overall shortage of doctors and qualified staff, and severe lack of basic medicines, equipment, sheets, and beds.

The war also has had a drastic impact on education. Large numbers of the country's educated individuals have fled the country. Most rural schools were destroyed by the resistance when the regime attempted to turn them into political indoctrination centers. Many others have been closed because of the danger to regime teachers. Formal education in many cities has been brought to a virtual standstill as a result of daily firefights. In rural areas, education seems to be in the hands of traditional Islamic teachers. The regime's inability to maintain the strength of its armed forces has led to the drafting of boys as young as 15 (16 is the official age limit). University admission has been limited to women, party members, and men who have completed military service. The student body at Kabul University, the country's main center for higher learning, has dropped from 15,000 before the Soviet invasion to under 4,000 today. In secure urban areas, schools for boys and girls are functioning. The curriculums have been reoriented to conform to the Soviet model. In 1985, the regime dismissed the last of a handful of French and German high-school teachers. The regime has initiated a literacy program in the military forces. Ideological tracts serve as texts and rote memory is the method used. The regime estimates the literacy rate at less than 10 percent although the actual rate may be even lower.

Each year, thousands of young Afghans are sent to the Soviet Union for training heavily geared to political indoctrination. Thousands of teenagers have been sent to various Soviet Central Asian republics for summer vacations. And more young children, some as young as 7 years or less, have been sent to the U.S.S.R. for what has been said to be 10 or more years of education.

Information on labor conditions and practices, including the use of forced labor, is unavailable due to the current situation in Afghanistan.

Participation of Afghan women in activities beyond home and field is severely limited by traditional beliefs, customs, and religious practices. In areas of resistance control, the role of women remains much as it traditionally has been. Since the installation of the Babrak Karmal regime, the social position of some individual women has tended to improve in Kabul and other cities controlled by the regime. Access to education by younger women has increased. To attract women to the regime's banner, and to fill the gap caused by males in the army or fighting for the resistance, women have been placed in a number of nontraditional professions such as radio and television, banking, and the civil service. Few women, however, aside from one Politburo member, have decisionmaking positions. The vast majority of women under regime control have seen no improvement in their social position or status.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: AFGHANISTAN

1983 1984 1985

	1983	1984	1985
I.ECON. ASSIST.-TOTAL...	0.0	0.0	3.4
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	3.4
A.AID	0.0	0.0	3.4
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	3.4
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN \$-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	0.0	0.0	3.4
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	3.4

OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

1983 1984 1985 1946-85

	1983	1984	1985	1946-85
TOTAL.....	0.8	6.3	0.0	447.7
IBRD	0.0	0.0	0.0	0.0
IFC	0.0	0.0	0.0	0.3
IDA	0.0	0.0	0.0	225.6
IOB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	95.1
AFDB	0.0	0.0	0.0	0.0
UNDP	0.3	6.3	0.0	90.0
OTHER-UN	0.0	0.0	0.0	35.7
EEC	0.0	0.0	0.0	0.0

ALGERIA

According to its Constitution, Algeria is a Socialist, Islamic state in which ultimate power is vested in a single political party, the Front de Liberation Nationale (FLN). As Secretary General of the Party, President of the Republic, and Minister of Defense, Chadli Bendjedid holds the key decisionmaking positions. Nonetheless, most important decisions are taken by consensus involving the military, the Government, and the party elites. These elites are bound together by the common experience of a harsh struggle for independence, obtained from France in 1962. A sense of "revolutionary, anti-colonial mission" is basic to their self-perception of what Algeria is and ought to be. This revolutionary consensus is the principal source of popular legitimacy for the Government and the nation.

Urban policy and the rural-oriented gendarmerie generally adhere to constitutional guarantees against arbitrary arrest and imprisonment. Military security forces, in practice, are given greater leeway to make arrests, but there are no documented cases of abuse or torture.

The Government has made efforts to reduce tensions in recent years with Berbers, who constitute from one-fourth to one-third of the population, by some accommodation of Berber cultural demands. Berber-government confrontation over political rights increased during 1985, however, when members of two illegal, predominantly Berber organizations with political overtones were arrested for staging unauthorized ceremonies in several Algerian cities during the country's July 5 National Day celebrations.

The economy is Socialist and largely under state control. The private sector is, however, increasingly recognized as a valuable participant in many sectors of the economy. The development of extensive hydrocarbon resources allowed Algeria to undertake ambitious industrialization programs in the past two decades. The current 5-year plan (1985-1989) emphasizes revitalizing agriculture, creating jobs, developing rural areas, and meeting social needs by building houses, schools, and hospitals. Major problem areas include underemployment, lack of productivity, and gaps in the supply and distribution system.

Although the Constitution contains human rights guarantees, civil liberties remain restricted and political rights, in particular, are circumscribed by the party and the Government which limit electoral choices and restrict public debate to officially sanctioned forums and issues. The favorable trend observed in previous years was continued when, in April 1985, 139 Islamic fundamentalists arrested in late 1982 and early 1983 were tried and received relatively lenient sentences. The Government demonstrated its willingness to suppress opposition elements, however, with the arrest in the late summer of 1985 of several well-known and internationally recognized Algerian activists for human and Berber rights.

RESPECT FOR HUMAN RIGHTSSection 1 Respect for the Integrity of the Person, Including Freedom from:a. Political Killing

There were no political killings in 1985.

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b. Disappearance

Abductions, secret arrests, and clandestine detention are neither condoned nor practiced. There were no accusations of such practices in 1985.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture and in 1985 there were no confirmed reports of torture.

Persons convicted of civil crimes are sent to provincial civil prisons, while those found guilty of more serious crimes against the State, such as treason or terrorism, or who have committed crimes which carry the death penalty, such as murder, kidnapping, or rape, are sent to one of three penitentiaries. Conditions in both types of institutions range from primitive to modern; conditions in penitentiaries are reportedly worse than those found in the more numerous civil prisons. In the primary civil prison in Algiers, prisoners are often crowded together and sanitary arrangements are poor. Better conditions are found in some outlying prisons. Although all prisons have medical facilities, and each prison has a contract with a local doctor who visits the prison regularly to treat ill prisoners, medical care is generally rudimentary. Seriously ill prisoners may be sent to local hospitals. Prisoners in both civil prisons and penitentiaries are fed a bland, starchy diet, and long-term prisoners rely on family support to augment this diet. Families are allowed to visit civil prisons once a week; it is considerably more difficult to visit prisoners held in penitentiaries. At the discretion of local prison authorities, conjugal visits are sometimes permitted in civil prisons.

d. Arbitrary Arrest, Detention, or Exile

The Constitution states that no one may be prosecuted, arrested, or held except as provided by law. It also provides that detention for questioning in criminal investigation cases cannot exceed 48 hours, after which the suspect must be charged or released. The penal code provides for informing detainees immediately of charges against them. Algerian law does not include a bail system. Lawyers are allowed 24-hour access to their clients. Meetings take place under visual supervision of a guard.

Despite these constitutional safeguards, military security has held suspects up to a month before releasing or charging them. In 1985, several members of an illegal group, the Sons of Martyrs of the Revolution, were arrested during the July 5 National Day celebrations. Many of them were detained for several days, in one case several weeks, before being charged.

In addition to military offenses, military security is authorized to investigate cases involving internal security and espionage. In cases that involve subversion, military security may also investigate civil crimes.

Once charged, an individual may be held under preventive detention while his case is investigated. This detention can last years: 139 Islamic fundamentalists arrested in late 1982 and early 1983 were not brought to trial until April 1985.

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Individuals arrested for the expression of views, critical of or different from those of the Government, are generally charged with disturbing the public order, associating with illegal organizations, or, in extreme cases, threatening state security. Recent sentences of persons convicted of these crimes range from 1 year to life imprisonment. Amnesty International has noted its concern about cases of prolonged incommunicado detention. There is no forced labor.

e. Denial of Fair Public Trial

Defendants have free access to counsel and there is no harassment of defense counsel. As far as is known, defendants are made fully aware of the charges against them at the time they are bound over for trial. Trials are public, although not generally publicized, and defendants have the right to appeal. The judicial system is divided into three parts: civil courts, military courts, and the State Security Court. There are no Islamic courts in Algeria.

The civil courts are generally independent of executive or military control. Military courts deal directly with espionage and with offenses committed by military personnel. The State Security Court at Medea is not in permanent session but has jurisdiction over cases that are deemed "to endanger the national security." At least a ministerial-level decision is required to refer a case to the State Security Court which generally provides procedural protection similar to that of civilian courts. Interested observers are allowed to attend trials held in this court.

All political prisoners arrested prior to February 1979, including former President Ben Bella, have been released since President Bendjedid took office. Three exiled advisors of former President Ben Bella returned to Algeria in February 1985 under a general amnesty granted on November 1, 1984. While the Government has encouraged additional supporters of Ben Bella to return, Ben Bella himself prefers to remain abroad and involve himself in opposition activity. Fourteen prisoners held for their connections with the illegal Sons of Martyrs of the Revolution organization claim that they are political prisoners and have demanded to be treated as such. Algerian law does not recognize political prisoners.

The State Security Court trial of the aforementioned 139 Islamic fundamentalists lasted 22 days, after which the court acquitted 46. Fifty-six were sentenced to prison terms ranging from 1 to 3 1/2 years and 32 received 4 to 12 years. Five people were tried in absentia, with 2 receiving 20 years and 3 condemned to life imprisonment.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Membership in political organizations is not required, except for senior government and military officials who must be members of the party. Occasionally, foreign publications are seized, but otherwise the Government does not interfere with the private lives of Algerians.

Inviolability of the home is guaranteed by the Constitution and generally is honored in practice except in rare cases involving military security. Police may not enter a house without a warrant from the local prosecutor or investigating magistrate, nor may they enter a residence during night hours.

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Section 2 Respect for Civil Rights. Including:

a. Freedom of Speech and Press

Although the Constitution guarantees freedom of expression, it also states that such freedom may not be used to "undermine the foundations of the Socialist revolution." All print media are published either by the Government or the party and all journalists are government employees. The distribution of foreign newspapers and magazines is controlled, but such publications are available in small quantities. The French-language weekly Jeune Afrique is proscribed, and the French daily Le Monde is occasionally seized. Radio and television stations are also government controlled. The Government does not permit criticism of its authority, of socialism, or of the one-party system. However, criticism of specific domestic programs and policies as well as the performance of government utilities and state enterprises is allowed.

b. Freedom of Peaceful Assembly and Association

All nongovernment associations must be approved by state authorities who have traditionally refused to recognize groups with political, economic, or social views that differ from those of the FLN. There is only one legal political party and one labor union, the General Union of Algeria Workers (UGTA). These and other mass organizations for youth, women, farmers, veterans, and professional groups are all tightly controlled by the party and constitute the primary government-recognized associations. They play key political roles in mobilizing popular support for various government programs and elections and maintain relations with recognized international bodies in their fields, such as the International Labor Organization.

Workers and employers do not have the right to organize independent unions. Strikes are illegal in the public sector, but workers have successfully used strikes and work stoppages, without sanction of the national union, to win more pay and protect benefits. Most labor-management disputes, however, are solved by union representatives and Labor Ministry inspectors meeting with managers. While collective bargaining in the strict Western sense is not practiced, the UGTA does engage in industry-wide negotiations on behalf of workers under its umbrella.

Individuals are free to assemble, although security personnel watch public gatherings closely, and all nonparty associations must receive government recognition to exist legally. In 1985, members of the Sons of Martyrs of the Revolution, a mostly Berber illegal organization founded in 1984, were arrested for laying wreaths at the tombs of revolutionary heroes without authorization during July 5 National Day celebrations. On June 30, 1985, another predominantly Berber organization, the Algerian Human Rights League, was created to monitor human rights practices in Algeria. It applied for, but has not received, official recognition. Many members of the Sons of Martyrs movement arrested in July were also founding members of the Human Rights League.

In December, the State Security Court in Medea handed down prison sentences ranging from 6 months to 3 years for 23 Algerians accused of belonging to illegal organizations. The

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defendants were members of the Human Rights League and Sons of Martyrs organization and were accused, among other charges, of "an attack on state authority by inciting a change in regime." The court later began a second trial of some 40 persons accused of planning an armed insurrection.

However, limited political opposition, such as student demonstrations, is tolerated. Opposition political tracts are sometimes circulated, almost certainly with official knowledge, but persons caught with them may be subject to arrest.

c. Freedom of Religion

Legally an Islamic state, Algeria protects the rights of the very small Christian and Jewish minorities to worship in their churches and synagogues. There is little evidence of individual prejudice. Proselytizing is not permitted. The Christian clergy directs its activities to the non-Muslim expatriate community.

The Islamic "clergy" is government-trained. Friday sermons are not formally censored, but government monitoring constrains the clergy's freedom of expression. Religious travel such as the pilgrimage to Mecca is government-organized. Fundamentalists were implicated in an August attack on a police academy outside Algiers during which one policeman was killed and some small arms were stolen. The fundamentalist Muslim Brotherhood is banned and its members are reportedly subject to police harassment. This group is rooted in a centuries-old tradition of North African mysticism and has been used as a vehicle for propagating fundamentalist ideas such as the creation of an Islamic state in Algeria that would subordinate secular authority to that of religious leaders.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom to travel within Algeria and abroad and to emigrate is guaranteed by law and generally is respected in practice. One of the first acts of the Bendjedid Government was to remove the exit visa requirement. Government permission is necessary, however, to travel to Morocco. Men who are 19 years or older must have proof of completion of mandatory 2-year military service and employees of state organizations who are paying back educational scholarships through work must have valid leave papers to leave the country. Passports may sometimes take months to acquire, although this situation is improving. The amount of hard currency which Algerians may carry abroad (the equivalent of \$200) remains the primary limitation on foreign travel.

Except for foreign diplomats, who must apply for permission to travel farther than 50 kilometers from Algiers, travel within Algeria is generally unrestricted. Visitors must register with the police if they are staying overnight in a locality. Gendarmerie checkpoints in the countryside routinely inspect vehicle registrations and, occasionally, search vehicles.

The Constitution provides for the right of political asylum. Perhaps 165,000 refugees from the Western Sahara conflict live in camps in southwestern Algeria. There also are about 45,000 Sahelian drought victims from Mali and Niger located in four

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border camps. The Government contributes to the support of all the Saharan refugees and Sahelian drought victims as does the United Nations High Commissioner for Refugees.

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

Major political decisions are made by the top leadership of the party, Government, and military, all three headed by President Bendjedid. The political process is confined to the single party, which significantly limits deviation from the path prescribed by ruling authorities. Basic policy decisions are not strictly questioned, although there is considerable airing of popular aspirations and grievances within the party organization. Some diversity of views is also evident in the National Popular Assembly, the provincial and local councils, and the government-controlled press.

There is universal adult suffrage. All candidates for public office are nominated by the party, but voters usually have a choice among two or more candidates.

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

The Algerian Government does not readily discuss its human rights problems with outside governmental or nongovernmental organizations. For the first time since independence, a nongovernmental organization calling itself a human rights league was established, but as yet has not gained government approval. It applied for official recognition on June 30, 1985. Its reported purpose is to monitor and investigate, independently, human rights practices in Algeria. Several of its members, including its president and vice president, were arrested in early July in connection with their support of, or membership in, the illegal Sons of Martyrs organization. A representative of the French chapter of the International League of Human Rights visited Algeria in August 1985 to investigate charges that these prisoners and detainees were being ill-treated and tortured. He determined that the charges were unfounded.

Algeria supports human rights initiatives in the U.N. and regional forums but usually does not take the lead. Freedom House rates Algeria "not free." In its 1985 report, Amnesty International expressed its concern about long-term detentions without trial, prolonged incommunicado detention, and reports of ill-treatment of detainees.

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Algeria's population of 22,100,00 is growing at the rate of 3.2 percent a year. Per capita gross national product (GNP) in 1984 was \$2,075.

The Algerian economy is largely Socialist, with the main sectors run by increasingly decentralized state enterprises. The 1981 party Congress officially endorsed a larger role for the private sector and, in 1985, a law was passed easing private sector access to imported goods. At present, about half of the arable land remains with independent herders and farmers, most retail businesses and service firms are privately owned, and there are several thousand small private

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industrial firms in operation. About 16 percent of the active working population was unemployed as of 1983. A 1977 estimate put the urban population living below the absolute poverty level at 20 percent. The rate of investment of GNP is high, reflecting a conscious government policy, and the rate of real growth was estimated at 5.7 percent in 1984.

The Government controls most food supplies, although the private sector is increasingly important. One-third of the nation's food must be imported because of inefficient agriculture, but the 1985-1989 5-year plan recognizes this deficiency and emphasizes increased agricultural production to reduce the need for food imports. While food supplies are adequate, the cost is high and supply is irregular.

The fertility rate of 7.2 (1982), leading to rapid population growth, makes it difficult to meet all nutritional and social needs and to provide full employment, but minimum vital needs are being met. Housing is in extremely short supply. Most health care is rudimentary but free and widely available. Life expectancy was 57.9 years in 1985, compared with 47 in 1960. Infant mortality is 101 per 1,000 live births. Although most of the population has access to safe water, waterborne diseases remain a serious problem, especially for young children and inhabitants of rural areas.

Education is free through the university level and is compulsory between the ages of 6 and 16. Educational facilities have been vastly expanded since independence but are still insufficient in both rural and urban areas. The literacy level in Arabic or French (or both) is approximately 52 percent of the population over 9 years of age (40 percent for women, 65 percent for men). It is steadily increasing as the large majority of children, 81.7 percent in 1984-85, now attend school.

Algeria's 1978 general workers' statute provides for a normal work week not to exceed 44 hours, a full 24-hour rest period, and a minimum wage. It prohibits employment of persons under 16 years of age. The statute also sets out minimum worker safety standards and standardizes pay according to the work performed. Although the law has not yet been fully implemented in all economic sectors, most of its provisions are respected.

Women enjoy equality under the law and their status is improving, but tradition and culture make it difficult for women to follow an independent path. The great majority remain in traditional roles, although their participation in public life is growing. Ten women are delegates in the National Popular Assembly, two are members of the party's central committee, one is a state minister, and women serve in the armed forces. During municipal elections in December 1984, however, less than one percent of the candidates were women, and few of them were elected to office.

An effort has been made to close the gap separating women from men in education. According to government statistics, 72 percent of all school-age girls were enrolled in 1985. Algeria also has launched a nationwide program encouraging "birth spacing" as a means of safeguarding a mother's health, improving infant care, and reducing the high population growth rate. The program provides free access to contraceptives and counseling on a voluntary basis. Abortion is illegal.

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In the last few years, there have been demonstrations by the large Berber population, sometimes leading to violent clashes. The Government has shown more concern in recent years about reconciling its policy of developing Algeria's Arab identity with Berber desires to preserve their own culture and language, while retaining French as a language of work and education. The Government has given extra attention to building houses, schools, and municipal infrastructure in Berber regions. Berber particularism, however, remains an area of concern, as evidenced by continuing government confrontations with largely Berber organizations.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: ALGERIA

	1983	1984	1985	
I.ECON. ASSIST.-TOTAL...	0.0	0.0	0.3	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.3	
A.AID	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0	
B.FOOD FOR PEACE.....	0.0	0.0	0.3	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.3	
TITLE I-TOTAL.....	0.0	0.0	0.0	
REPAY. IN \$-LOANS.....	0.0	0.0	0.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	0.0	0.0	0.3	
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0	
VOL.RELIEF.AGENCY.....	0.0	0.0	0.3	
C.OTHER ECON. ASSIST...	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
PEACE CORPS.....	0.0	0.0	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.1	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.1	
A.MAP GRANTS.....	0.0	0.0	0.0	
B.CREDIT FINANCING.....	0.0	0.0	0.0	
C.INTL MIL.ED.TRNG....	0.0	0.0	0.1	
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E.OTHER GRANTS.....	0.0	0.0	0.0	
III.TOTAL ECON. & MIL...	0.0	0.0	0.4	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.4	
OTHER US LOANS.....	30.0	0.0	0.0	
EX-IM BANK LOANS.....	30.0	0.0	0.0	
ALL OTHER.....	0.0	0.0	0.0	
ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	
			1946-85	
TOTAL.....	0.8	418.6	262.1	2014.2
IBRD	0.0	418.0	262.0	1881.0
IFC	0.0	0.0	0.0	0.0
IDA	0.0	0.0	0.0	0.0
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	13.4
UNDP	0.8	0.2	0.0	56.4
OTHER-UN	0.0	0.4	0.1	8.1
EEC	0.0	0.0	0.0	55.3

BAHRAIN

Bahrain has been ruled since the late 12th century by the Al-Khalifa extended family, which dominates society and government. Bahrain's Constitution of 1973 remains in effect, but some of its provisions have been suspended by decree, including those relating to the National Assembly, which was disbanded in 1975. In practice, there are few judicial checks on the authorities. The Constitution confirms the Amir as hereditary ruler.

Bahrain's leadership seeks to foster the open social and commercial environment needed to attract international business, while protecting the ruling family's preeminence, preventing potential sectarian violence, and thwarting externally inspired subversion. Bahrainis are divided between Shi'a and Sunni Muslim religious communities. Precise figures are not available, but estimates are that over two-thirds of the population is Shi'a. The ruling family is Sunni, and the Sunni community generally tends to be more wealthy and influential than the Shi'a, although there are conspicuous exceptions. While extreme poverty is rare, and the Government makes great efforts to assure full employment, the Shi'a are disadvantaged as a group, a situation which adds to the potential for externally inspired subversion. Some of the more militant Shi'a have been drawn into two clandestine political groups with links to Iran. Political activity remains strictly controlled.

There was little change in the human rights situation in 1985. There were, however, a number of arrests for political activities. The Islamic Enlightenment Society, a Shi'a group, was banned in 1984, and the trial in December 1984 and sentencing of its leaders closed what had been an avenue for Shi'a political and religious expression. In January, worker representatives to joint worker/management committees were elected, but they have limited scope for representation of worker interests, and cannot be considered trade unions in the full sense.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There were no known instances of political killing in 1985.

b. Disappearance

There were no reports of permanent disappearance at the hands of the security forces. Some persons detained by the security forces for investigation of suspected illegal political activity have not been accounted for until some time later.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There is evidence that persons suspected of security offenses are sometimes physically abused during arrest and interrogation. It is not known what happens during detention in security prisons (where questioning may continue after sentencing) since visits by nongovernment persons are not

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allowed. Medical examinations by nonprison doctors have also been denied. There is no evidence of a systematic policy of physical mistreatment of criminal offenders.

d. Arbitrary Arrest, Detention, or Exile

Political activity is severely controlled by the security forces, and individuals are sometimes detained on suspicion of antiregime political activity. Periods of incommunicado detention can be lengthy, but relatives are usually able to find out if and where the detainee is being held. Activities of a political nature which can bring arrest include suspected membership in "subversive organizations" or expressions of antiregime opinion in a public setting. Examples of acts that could lead to arrest or questioning include painting antiregime slogans on the walls, joining antiregime demonstrations, possessing or circulating antiregime writings, or harboring persons committing such acts. Reliable estimates indicate that between 50 and 100 persons are now being held for antiregime political activity, including 19 who were arrested in connection with the banning in 1984 of the Islamic Enlightenment Society.

The Government in recent years has expelled Bahraini residents of Iranian origin, some of whom were from families that had lived in Bahrain for generations. It is believed such expulsions numbered under 25 Bahrainis in 1985.

The use of any form of forced or compulsory labor is prohibited.

e. Denial of Fair Public Trial

A person arrested may be tried in either a civil court or the security court. Civil trials provide procedural guarantees, including open trial, the right to counsel (including legal aid for indigents), and the right of appeal. Security cases, however, are tried directly by the Supreme Court of Appeal sitting as the Security Court. Trials are held in camera, there is no right of habeas corpus, and the court is exempted from adhering to the procedural guarantees of the penal code. Sentences imposed by the security court can, at the discretion of that court, be referred to the Amir for clemency, a procedure not customarily allowed in civil court cases.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence.

The Interior Ministry can authorize entry of private premises and places of employment in security cases without reference to judicial authorities. Telephone calls are subject to monitoring, and the police sometimes open mail. Police informer networks exist.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Bahrainis are not free to challenge the legitimacy of the regime in speech or in writing, but criticism of government policies and programs in such areas as municipal services and education is tolerated and commonly seen in the press.

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The Information Ministry exercises wide powers over the local media and the press generally follows official policy closely. In the past, minor deviations have brought closure of the offending newspapers but there have been no closures since 1980, primarily because editors fully understand the rules and abide by them. In 1985 there was one expulsion of a foreign journalist, the AP-Dow Jones correspondent. The British newspaper Financial Times was banned for several weeks as a result of articles that displeased the Government. Many other foreign publications continue to be sold without being subject to censorship.

All radio and television stations are state-owned, although newspapers are privately owned. The editor of the largest paper is a former Information Ministry official, and his publication is regarded as semiofficial.

b. Freedom of Peaceful Assembly and Association

Public political demonstrations are prohibited in Bahrain.

While the Constitution recognizes the right of workers to organize, trade unions are illegal. However, the Government has encouraged the formation of elected workers' committees in 12 major companies. Worker representatives are empowered to discuss wages and working conditions with management, but not to engage in collective bargaining, and there is no right to strike. Ten percent of the work force is now represented by these committees, which in turn choose members of a national committee. This body represents Bahrain in international labor organizations. Expatriate workers, about 60 percent of the work force, are effectively denied even these limited trade union rights.

A number of professional organizations exist, including groups of lawyers, physicians, engineers, and businessmen. There are also a number of social and sports clubs that traditionally have been significant for political discussion. These organizations are generally small and limited in scope and the Government monitors their activities closely.

c. Freedom of Religion

Although there are notable exceptions, membership in the Sunni sect tends to confer a more favored status on Bahraini nationals. Sunnis are given preference for employment in the security services, the police, and the army. Shi'a religious assemblies are subject to government control and monitoring, but there is no interference with Shi'a worship as such. The leaders of the Islamic Enlightenment Society, a Shi'a group with about 1,500 members, were arrested, tried, and sentenced in December 1984 for periods ranging from 5 to 7 years on charges of antiregime activity. Public religious events, particularly marches by members of the Shi'a community, are closely watched by the police to prevent their becoming antiregime demonstrations.

The population is overwhelmingly Muslim and Islam is the state religion, but several Christian denominations maintain places of worship and enjoy considerable freedom to practice their religion. Christian publications are readily available in book stores, but proselytizing is not permitted.

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d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Bahrainis are free to move within the country. There are restrictions on the number of Bahrainis permitted to make pilgrimages to Shi'a holy sites in Iran. Refugees are not repatriated to countries they have fled, but are obliged to depart Bahrain immediately. Passports can be denied on political grounds, but there were few instances of this in 1985. Some persons living abroad and suspected of political offenses upon return to Bahrain may face imprisonment by security courts without public trial.

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

Bahrain is ruled by the Al Khalifa family, headed by the Amir. There are no elections for government positions. The average Bahraini is able to influence government decisions only by means of informal contact with senior officials and by attending the Amir's public audiences. No political parties are permitted.

There are two clandestine political groups with ties to Iran which attract younger militant Shi'a: the Islamic Front for the Liberation of Bahrain, the group responsible for a 1981 coup attempt, and the Islamic Call party. Both advocate overthrow of the Government and the establishment of an Independent Islamic Republic. There are also two underground leftist groups, the Popular Front for the Liberation of Bahrain and the National Front for the Liberation of Bahrain, which have ties with revolutionary Arab regimes in the area and some Soviet support. The groups also call for violent revolution and probably have several hundred members each.

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

Bahrain has not been the subject of resolutions or investigations by official international human rights organizations. No private human rights group is known to have visited Bahrain in 1985. The last indication of the Government's attitude toward such investigations was in 1982, when Amnesty International sent a team to observe the trial of those accused of plotting the violent overthrow of the regime. The team was able to meet with government officials and defense counsel, but was not allowed to attend the closed trial. There are no nongovernmental organizations established to protect individual liberties.

In its 1985 Report (covering the year 1984), Amnesty International expressed concern about the detention of political prisoners as well as allegations of torture and ill-treatment of political detainees. Freedom House rated Bahrain "partly free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Bahrain's population is 427,000, of which about 32 percent is non-Bahraini. The population growth rate for the native population is 3.5 percent. According to the World Bank, per capita gross national product was estimated to be \$10,510 in 1983 but distribution is unequal.

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There is no significant domestic taxation. Although statistical data are not available, it is generally recognized that there is some poverty at the village level and among some foreign temporary workers. The Government, faced with declining oil revenues, receives financial assistance from Saudi Arabia, Kuwait, and the United Arab Emirates. From the 1984-85 budget, 10 percent was allocated to education, 6 percent to health, 10 percent to housing, and 35 percent to social services.

The right to private property is protected. While foreigners other than citizens of Gulf Cooperation Council countries are not normally permitted to own real estate in Bahrain, their rights to possess other personal property are protected under law.

The Government continues to emphasize Bahrainization of most sectors of the economy, but currently both menial and high-skilled positions tend to be held by expatriates. The Government plans to train 10,000 Bahrainis in the present decade in order to replace foreign workers holding skilled jobs, but this effort is undermined by employers who prefer foreign workers who can be paid less and are more docile than Bahrainis.

Life expectancy is about 69 years, and the infant mortality rate is 34 per 1,000 live births. Food and safe drinking water are available in adequate supply to the entire population, and an ongoing sewerage project promises to improve public sanitation. The prices of basic food items are subsidized by the Government. Approximately 73 percent of Bahrainis between the ages of 4 and 19 attend primary or secondary schools; 48 percent are female. The adult illiteracy rate is estimated at 36 percent. The Government has begun a campaign to eradicate illiteracy.

Free public health care is available to all residents. Free education and subsidized housing are available only to Bahrainis. The Government's social insurance plans and protection against unfair labor practices primarily benefit Bahrainis.

The minimum age for employment in Bahrain is 14 years. Juveniles between the ages of 14 and 16 receive special protection under the labor laws. They may not be employed in hazardous conditions or at night and may not work over 6 hours a day or on a piecework basis.

Bahrain's labor law provides for acceptable conditions of work for all adult workers. In practice, however, expatriate workers, who account for about 60 percent of Bahrain's total work force, are seriously disadvantaged by the requirement that all foreign workers must be sponsored in order to work. Under this system, sponsors can cancel the residence permit of any person under their sponsorship and blacklist individuals so that they cannot obtain entry or residence visas from another sponsor. Such power contains the inherent potential for exploitation, and foreign workers are often unwilling to report abuses for fear of enforced repatriation. Bahrain's labor law does not recognize the concept of equal pay for equal work. Asian workers are often paid less than Bahraini or Western expatriates with the same qualifications, and women are generally paid less than men.

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Many legal rights of concern to women are subject to Islamic law. Women have rights to their own property, but daughters receive less inheritance than sons, and widows must share their husband's estate with their own children. Although a wife may divorce, she must specify grounds. Women must obtain the permission of the male head of the household in order to obtain a passport. Nevertheless, with the development of the Bahrain economy, women have increasingly taken on job roles previously reserved for men. Women now constitute over 12 percent of all Bahraini workers. The Government has encouraged the trend toward equality, has enacted special laws to encourage female entry into the work force, and is itself a leading employer of women. Most of these positions are clerical, but a small number of senior positions are held by women. Labor law grants women 60 days paid maternity leave and nursing periods during the working day. The status of women is a continuing subject of debate. Many women voluntarily adopt socially conservative roles under the influence of traditionalist interpretations of Islam.

BANGLADESH

Bangladesh is governed by a Martial Law Administration (MLA) headed by President H.M. Ershad. Ershad, a General in the army who also holds the posts of Chief of Army Staff and Chief Martial Law Administrator, took power through a bloodless coup d'etat in March 1982 and became President in December 1983. In the coup, the military suspended the Constitution, dissolved the Parliament, and dismissed an ineffective, if popularly elected President. Martial law regulations give powers to General Ershad and to a three-level structure of martial law courts which are beyond judicial challenge in civil courts.

In the exercise of these powers, the Martial Law Administration has generally been more restrained than its initial verbal assertion of unchecked powers would imply. As the military Government has become less preoccupied with eradicating corruption and more concerned with the normal chores of governing, encouraging economic development, implementing administrative decentralization and reform, and attracting civilian political support, the actual use of heavy-handed martial law measures has declined; abuse of individual rights by the security forces overall has been minimal. The regime is committed to holding elections and restoring constitutional government.

Bangladesh is one the poorest and most densely populated agricultural countries in the world. Since an estimated 70 percent of Bangladeshis subsist below an absolute poverty level, the MLA's avowed priority is economic development. Its key programs aim at increased agricultural yields, reduced population growth, administrative decentralization, and private sector development. An important goal in implementing its policies is the eradication of corruption and inefficiency. However, reports persist of widespread corruption within the MLA itself.

The gradual liberalizing trend of 1984 continued into the early months of 1985 as the regime sought the cooperation of the major opposition parties in its plans to hold national elections. Negotiations between the Government and the parties had broken down three times during the course of the previous year, each time on the issue of the type of government which would be in place while elections are held; the parties have insisted that the MLA step aside to permit a "neutral" government to hold elections; the regime insists that martial law--suitably liberalized--be maintained until the elected government is available to take control. Following the third breakdown in negotiations, and to forestall threatened violent protests, the regime reimposed a harsher version of martial law than had been in force for the previous year. All political activity was banned from March 1 to October 1, martial law courts were reestablished, writs against the Government prohibited, censorship tightened, and--from March to July--the university closed.

In a new effort to begin the process again of liberalizing the political system preparatory to elections, the Government relaxed many of these measures again on October 1, permitting the resumption of political activity so long as it was "indoor" (no mass meetings, processions, etc.). Following the summit meeting of South Asian leaders in Dhaka in early December, there was a further announcement that the ban on political and

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trade union activity would be totally relaxed on January 1, 1986 amid renewed speculation that elections will be announced for the spring of 1986.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

Killing for directly political motives is not common in Bangladesh, although violence between factions, gangs, and economic adversaries sometimes assumes political coloration. Several persons were killed during confrontations among students, opposition political elements, and government security forces in 1985.

b. Disappearance

There were no confirmed reports of disappearance resulting from official action.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Police treatment of common prisoners is often rough, up to and including abusive interrogations and beatings. Fatalities from such mistreatment are rare. Incidents of police brutality are reported in the press regularly and Amnesty International, in its 1985 report, expressed concern about allegations of torture. Punishment of police and jail officials involved in mistreating a prisoner takes place in cases where the victim or his friends and family can attract publicity, but most mistreatment of obscure victims goes unpunished. Organized, systematic government-instigated violence against individuals is not characteristic of Bangladesh.

Bangladesh's overcrowded jails reflect the country's extremely poor living conditions. In at least the larger prisons, the conditions under which prominent persons and political prisoners ("Class A" prisoners) are held are markedly better than those afforded ordinary criminals. In April 1983, a commission to study penal reform with an eventual goal of improving facilities and evolving from a penal to a correctional system was constituted. Due primarily to resource constraints, prospects for rapid implementation of prison reforms are slight.

d. Arbitrary Arrest, Detention, or Exile

In general, whenever participation in demonstrations or other political activity has prompted the MLA summarily to arrest or detain individuals, authorities have sought to notify families expeditiously of the detained and arrested individuals' whereabouts. Such demonstrators and activists are seldom held for long. Opposition leaders arrested during the ban on all political activity in 1985 were held variously from several weeks to several months without trial, and then released; the total number of detainees during this period may have reached more than 1,000. Two of the most prominent detainees were Begum Khaleda Zia, leader of the Bangladesh Nationalist Party, and Sheikh Hasina Wazed, leader of the Awami League. Observers

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estimate that the number of persons in custody for offenses other than common law ones does not exceed 100.

Martial law regulations authorize arrest on reasonable suspicion that the suspect has committed an offense and do not provide for habeas corpus. However, the suspension of habeas corpus is in practice only partial, and it is now possible in limited circumstances to bring writs against the Government. Offenses under these regulations include criticism of martial law, creation of panic, political activity, interference with the defense service, corruption, and smuggling.

The Special Powers Act of 1974 remains in effect. Under this law, persons may be detained without charge for 24 hours, held with the consent of a magistrate for 30 days, and held indefinitely with government approval.

During the past year, Bangladeshi legal and human rights organizations have exposed several cases of people arrested on minor charges who have remained in jail without trial, forgotten for 5 to 10 years. In the past, over half of the prison population was reportedly undergoing or awaiting trial.

There is no forced labor.

e. Denial of Fair Public Trial

While several special martial law courts still exist, most civil and criminal cases are heard by civilian courts in public trials in which the right to counsel is respected. Processing cases can be both time-consuming and expensive, working a hardship on the vast majority of litigants and discouraging many from seeking redress through the courts. However, fair public trials do not appear to be intentionally denied.

Under new regulations which apply to civilian courts, if investigation has not been completed and charges have not been filed in an ordinary case within 90 days, the case must be dismissed and the prisoner freed. To accomplish the goal of speedy justice, these regulations also broaden the powers of the police and lower courts and limit appeal rights in minor cases. There are no indications that these enlarged powers and more summary procedures have been misused by the police or lower magistrates. It is not clear, however, how widely they have been implemented.

The Martial Law Administration has undertaken the dispersal of magistrate courts to the newly established Upazilla (subdistrict) level of government, and administrative decentralization of the high court appellate judiciary benches which currently sit in six cities outside Dhaka.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Bangladesh authorities do not normally engage in arbitrary invasion of the home. For the civil court system, a judicial warrant is required before authorities enter a home, and courts require evidence of a reasonable basis of suspicion of involvement in a crime before issuing a warrant. Martial law regulations provide for entry and search of the home under the same conditions but extend these powers to both military and police authorities. MLA officials have been known to enter the homes of opposition leaders without warrants; individuals have

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been detained and premises searched. This practice was especially prevalent during the early days of the martial law crackdown from March 1 to October 1, 1985. Wiretaps are not widely employed, although they are believed to be used selectively. It is also believed that the authorities occasionally monitor the correspondence of selected individuals. The Government maintains civilian and military intelligence services which concern themselves, in part, with domestic events, and whose influence and capability, although not pervasive, may be growing.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Government owns and operates all radio and television facilities and owns and controls one of the four English-language dailies, two vernacular dailies, and one weekly. Most of the many Bengali-language periodicals and newspapers are privately owned. A number of nongovernmental newspapers are supported by political parties and reflect various political views. Major papers carry a balance of news from the Government and the opposition. The Bangladesh news media avoid explicit criticism of the Government on topics perceived as particularly sensitive. The Government has detained and tried journalists for writing articles critical of martial law (an offense under martial law regulations), but all such persons eventually have been released.

The Government exercises authority to ban foreign and domestic publications. A lengthy ban on the Bengali-language newspaper Dainik Desh was lifted in May 1985 after its owner joined a political party faction aligned with the MLA. In September 1985, Jai Din, a weekly of political analysis and commentary opposed to the MLA, was banned. Jai Din joins two other publications, Ittehad (banned in October 1984) and Jooi Jatra (banned in August 1984), that are still prohibited from publishing.

On March 1, 1985, when it banned all political activity, the Government also closed all the universities. The universities were reopened in July. In September 1985, repeated clashes between progovernment and antigovernment students at Dhaka University prompted the Vice Chancellor to request police intervention. Eighty-nine nonresident students and outsiders were arrested. Periodic violent clashes between rival student groups are common.

b. Freedom of Peaceful Assembly and Association

The original martial law regulations prohibited any activity by a political party, any meeting of a political nature, and any gathering of over 100 people with the exception of cultural, literary, or religious events. The Government relaxed this ban in 1983 by authorizing indoor political gatherings. It later lifted the remaining restrictions and allowed free political activity, which culminated in a series of general strikes and demonstrations in the fall of 1984.

In 1985 this pattern repeated itself. On March 1 all political activities were again banned in connection with the presidential referendum and Upazilla elections. The Government's justification was that the voters should decide the issue in a calm atmosphere free of agitation and

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disruption. The ban on political activity was progressively relaxed throughout the summer of 1985. The opposition parties began to hold indoor meetings, and reports of the meetings appeared in the press.

The ban on political activity was officially loosened to allow "indoor politics" again beginning October 1, and further loosened to allow full political activity as of January 1, 1986. Elections will possibly be held in the spring of 1986.

Workers in Bangladesh normally enjoy the right to associate freely, to organize, and to bargain collectively. A ban on trade union activity instituted in March 1985 was lifted on January 1, 1986. Because of a low level of industrialization, labor unions represent no more than five percent of the work force. Although only a small portion of the work force is unionized, unions are powerful and important in certain key sectors--jute, tea, the railroad, and the national airline. Unions are heavily involved in politics; of 17 trade union federations, only 1 claims no political affiliation. Most unions are urban-based and serve as fronts for political parties. These unions participate actively in the general strikes and rallies mounted by the country's political parties. Bangladesh has a progressive labor law, but it is often ignored by both management and labor. Unions need no prior permission from the Government to form; however, the Government does supervise union elections, which gives it the power to influence those elections should it choose to do so.

Unions are free to draw up their own constitutions and rules, elect their representatives, and formulate their programs. There are no restrictions on joining confederations and affiliating with international organizations. Individuals do need government clearance to travel to international labor conferences and attend programs sponsored by foreign labor institutions; such clearances are routinely granted. Under Bangladesh's labor law the Government can suspend or dissolve individual unions; in 1983 the National Registrar of Trade Unions withdrew recognition from a number of trade unions for noncompliance with technical provisions of the labor law. In theory, Bangladeshi workers have participatory rights in all union business; in practice, that right is often violated by both employers and union leaders. In theory, unions and their members are fully protected against antiunion discrimination; in practice, employers regularly fire workers for union activities and harass union activists and leaders. Antiunion discrimination is especially prevalent in the garment industry, most of whose workers are young women. Employers, through connections in the Government and the military, often have any legal actions that unions might file against them forgotten or quashed. Reportedly, this is especially true in the garment industry where many factories are owned by active and retired army officers.

A coalition of 14 trade union federations (SKOP) led a 48-hour general strike in December 1984 with the support of the major political parties after the Government failed to implement fully an agreement on wages and other benefits reached by the SKOP in May 1984. Talks between SKOP and the Government were concluded on February 18, 1985, with agreement on amendments to the Industrial Relations Ordinance and the Employment of Labor Act. On March 1, 1985, the Government banned all trade union and political activities. A number of trade union leaders who actively supported political parties were arrested; nearly all

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were released by year's end. On January 1, 1986 political parties as well as trade unions were again permitted a full range of activity.

c. Freedom of Religion

Bangladesh is predominantly Islamic. Conversion from one religion to another is permitted. Proselytizing by Bangladeshi citizens is allowed under Article 41 of the Constitution, subject to law, public order, and morality. Proselytization is largely directed toward minority groups such as Hindus and tribals. There is strong social resistance against efforts to convert persons from the majority Muslim religion. Certain Islamic organizations continue to voice concern over Christian missionary activities and the conversion of Muslims to Christianity. All Bangladesh governments have pledged equality of treatment and freedom of worship to Hindu, Buddhist, and Christian minorities, who combined constitute approximately 17 percent of the population. Although this policy is substantially respected, the numerical predominance of Muslims and South Asia's history of communal violence and discrimination contribute to minority concern.

Members of minority religious groups are disadvantaged in practice although not by law in their access to government positions and political office. Members of some minorities, principally Hindus, have lost or had serious difficulty retaining their properties as a result of prejudicial administration of vested property laws which provide that property belonging to persons who left Bangladesh between 1965 and 1971 shall be managed by the Government. The Government is authorized to use and to sell this property, which it has sometimes done to the disadvantage of former owners. In October 1983, the Government announced the establishment of three religious welfare trusts for the Hindu, Buddhist, and Christian communities.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Bangladesh citizens are free to move within the country, but there are designated "protected areas" near the borders and certain other locations from which all nonresidents may be banned. Bangladeshis are generally free to visit or emigrate abroad, subject to foreign exchange controls. In some instances, persons deemed to be security risks have not been allowed to travel abroad. Civil servants must obtain "no-objection certificates" from the ministry in which they are employed before traveling abroad, and citizens going overseas to work must register with the ministry responsible for manpower export. The right of repatriation is observed.

Although the Government has no stated policy on refugee and asylum matters, in 1979 it provided temporary asylum to sizable groups of Arakanese Muslim refugees from Burma.

Approximately 250,000 non-Bengali Muslim Biharis or "stranded Pakistanis" remain in Bangladesh, pending resettlement in Pakistan. After independence in 1971, these non-Bengalis opted for Pakistani citizenship. Pakistan has agreed to take them back provided financing for resettlement costs, estimated at \$500 million, is made available from outside sources. A Saudi-based Islamic social organization is actively seeking to raise the money. Camp dwellers may seek employment and conduct

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other activities, but face disadvantages as noncitizens. Some Biharis have lost property as a result of laws confiscating Pakistani holdings, but those Biharis who chose to become Bangladeshi citizens in 1971 are entitled to full rights of citizenship.

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

The average Bangladeshi citizen has little opportunity to exercise the right to self-government. Such elections as are held are held at the pleasure of the Government, not by the authority of a constitution. In those elections the Government determines the issues and the terms under which political parties can participate.

Throughout the year, the Government displayed a continuing commitment to hold elections and restore constitutional government. Twice the government has scheduled national elections--in December 1984 and April 1985--and twice the main opposition political alliances refused to participate, fearing that the Government would use martial law powers to influence the process. Following the ban on all political activity, the Government held a referendum on March 21 which endorsed the Government's policies and permitted President Ershad to remain in power until national elections are carried out. The opposition boycotted the presidential referendum and carried out an unsuccessful campaign of violence and intimidation to disrupt the polling. Although the referendum was a victory for the President, the turnout was far lower than that claimed by the Government. On May 16 and 20, the Government held nonparty elections at the local level for Upazilla (subdistrict) chairmen, postponed the previous year because of an opposition boycott. The opposition boycotted again, but failed, despite a second campaign of violence, to prevent nomination and polling. The election was marked by reports of substantial vote tampering, but much of this appears to have been done by individual candidates, and not by the Government. Progovernment candidates won a majority of the seats. President Ershad has indicated that national elections may be held in the spring of 1986.

After independence in 1972, and again between 1976 and 1982, members of Bangladesh's elite endeavored to establish a democratic form of government by framing a constitution and experimenting with parliamentary and presidential systems. Nonetheless, Bangladesh has spent 8 of its 14 years since independence under martial law, both contributing to and reflecting the weakness of its political institutions, the staggering magnitude of its economic problems, and a belief among the military that it is the only national institution able to bear responsibility for national affairs.

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

Several international nongovernmental human rights organizations, including Amnesty International, the International League for Human Rights, and the International Commission of Jurists, are represented in Bangladesh. The Government has not obstructed independent outside investigations of alleged human rights violations.

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In its 1985 report, Amnesty International noted that several hundred political prisoners were released during 1984 but that government opponents engaged in nonviolent protests continued to face arrest and detention, and it expressed concern at reports of the torture of criminal suspects in police custody, the ill-treatment of detained students, and extrajudicial executions by law enforcement personnel in the Chittagong Hill Tracts. Freedom House rates Bangladesh "partly free." Several Bangladeshi organizations and individual lawyers are active in defending human rights through publicity designed to inform people of their rights, the provision of legal aid to the poor, and challenges in the courts. The majority of cases brought to and handled by these organizations involve the rights of pretrial prisoners and the treatment of women.

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

In Bangladesh, efforts to induce economic growth confront serious obstacles. The 100 million people live in 55,000 square miles, making Bangladesh the most densely populated agrarian country in the world. The population growth rate is about 2.8 percent per year. Nearly half the population is under 14 years of age. With the exception of natural gas and fertile alluvial soil, the country lacks natural resources. Annual per capita income amounts to only about \$130 per year. Funds for investment, as well as the transportation and communications infrastructure, are extremely limited. In fiscal year 1985 approximately 75 percent of the development budget came from foreign aid; this figure is projected to increase to as high as 84 percent in the fiscal year 1986.

Bangladesh's agricultural sector accounts for approximately 74 percent of employment. The share of agricultural production in the gross domestic product (GDP) has fluctuated from 47.1 to 45.7 percent over the last four years. The economy is highly susceptible to fluctuations in the world market, commodity prices, and especially the vagaries of nature. The low-lying land and dependence on monsoon rains, combined with extremely simple farming methods, mean that a tropical storm or a few weeks variation in rainfall patterns can change subsistence into famine in a particular locality. After near record floods in 1984, the country was hit by a tidal wave in 1985 that killed thousands and displaced hundreds of thousands. The difficulties presented by the nature of the land and climate are compounded by social factors. Approximately one-half of the rural households are effectively landless. The average farm size is approximately 3.5 acres, typically with several plots, widely separated from one another, constituting a single holding. Gains in food production have been offset in large part by population growth, and Bangladesh still has an annual food deficit.

Bangladesh's industrial and service sectors are small, employing approximately 10 percent of the labor force and contributing about 9 percent to GDP. While no accurate measurements of unemployment and underemployment exist, both are pervasive and are estimated as high as 40 percent nationally. Women are virtually absent from the cash work force, except in the export-oriented garment industry. Their wages lag behind those of men, even for the same work.

In addition to its large development program, which includes agricultural modernization, road building, rural electrification, and delivery of family planning and health

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services, the Government has instituted industrial and tax policies to strengthen the private sector in an effort to encourage the growth of productive industry. Despite government inducements, relatively few industries have located in rural areas because the basic infrastructure of transportation, communication, and electrification is inadequate. The poverty of Bangladesh is evident in the poor health and nutritional standards of the country. Life expectancy at birth is 50 years. The infant mortality rate is approximately 140 deaths per 1,000 live births. Only 35 percent of the population has access to safe water. On a per capita basis, nutritional intake indicates a downward trend over the last 15 years.

Literacy appears to be declining overall, and exhibits a marked disparity between males and females and between urban and rural dwellers. Despite the Government's commitment to expand primary, secondary, and technical schooling, broad-based modern education is far from a reality and rapid population growth is overwhelming those facilities which do exist. The technological level of capital and human assets is rudimentary, and the exodus of educated and trained persons, given the meager base, is substantial.

Bangladesh's labor law stipulates minimum ages for various types of employment; in industries where unions are strong these minimums are enforced, but the poverty of the country is such that children are regularly engaged in any line of work they can get, especially fieldwork. In general, regulations regarding minimum wages, hours of work, and occupational safety and health are not strictly enforced.

Underlying attitudes and social barriers circumscribing the participation of women in activities beyond the home are strongly entrenched and show few signs of weakening. For the approximately 86 percent of Bangladeshi women who live in rural areas, early marriage, high child-bearing rates, and long hours of household labor leave little opportunity for nonfamily interests or outside employment. No culturally acceptable alternative to marriage exists for women (or men), and childlessness is viewed as a personal catastrophe. Even in urban areas and among the affluent, the traditional social system makes women economically dependent on their husbands or other male relatives.

By custom and by Islamic tradition, women occupy a subordinate place and receive unequal treatment before the law on a widespread basis. The ability of a family to seclude its women is a symbol of middle or high social status; poverty forces a grim equality of the workplace. The daily press testifies to a pattern of domestic violence (murder, rape, torture), breach of matrimonial contract, denial of inheritance rights, and desertion which victimizes women and which is particularly acute among the poor. The rate of suicide among women is reportedly almost three times higher than among men. In October 1983, the Government promulgated a stringent ordinance to deter such cruelties to women as murder, kidnapping, abduction, and trafficking in women. The ordinance brings together the various statutes applicable to women and stiffens the penalties for abuse. It provides the death penalty for those directly responsible for a "dowry killing" or for killing a woman in the course of a rape, although it does not address the abuse of a woman stopping short of murder or rape or taking place within the family or home. "Dowry killings" usually

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share a common theme: the bride's family has not made full payment of a supposedly promised dowry, so the husband or his family attacks and sometimes murders the bride.

A simmering guerrilla movement bred of social disruption, economic decline, and spiritual demoralization continued through 1985 among the approximately 400,000 tribal people who inhabit the Chittagong Hill Tracts, a geographically and socially atypical part of an otherwise homogeneous country. The predominantly Buddhist tribal population has been alienated by the Government's claim to land which the indigenous people regard as tribal property. Over the past decade, successive governments have settled close to 300,000 ethnic Bengalis in that territory, radically altering the ethnic balance in the area from 90 percent tribal in 1947 to 54 percent tribal in 1981. This population shift is continuing, although no longer officially encouraged. Sporadic clashes pitting police, army, and border patrol units against tribal insurgents continue. Although the number of deaths is believed to be low, no reliable statistics are available.

Conditions in the Chittagong Hill Tracts lend credence to charges of human rights abuses by the army and Bengali settlers. Contact between tribals and foreigners traveling in the area is actively discouraged by the Government. In an attempt to end the insurgency, the Government announced in October 1983 an amnesty for all guerrillas effective through February 1985. The program has since been extended. In May 1985, over 200 members of one of the guerrilla factions surrendered to government forces. Although the Government considers its new policy generous, the antigovernment tribal leadership continues to demand the preservation of the autonomous culture of the Chakmas and other tribes rather than integration into Bengali Islamic culture. In particular, the guerrillas continue to call for an end to Bengali settlement in the Chittagong Hill Tracts.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: BANGLADESH

	1983	1984	1985	
I.ECON. ASSIST.-TOTAL...	172.3	193.2	205.3	
LOANS.....	60.0	81.0	94.5	
GRANTS.....	112.3	112.2	110.8	
A.AID	78.9	77.0	75.6	
LOANS.....	0.0	13.0	0.0	
GRANTS.....	78.9	64.0	75.6	
(Sec.Supp.Assist.)...	0.0	0.0	0.0	
B.FOOD FOR PEACE.....	93.4	116.2	129.7	
LOANS.....	60.0	68.0	94.5	
GRANTS.....	33.4	48.2	35.2	
TITLE I-TOTAL.....	60.0	68.0	94.5	
REPAY. IN \$-LOANS.....	60.0	68.0	94.5	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	33.4	48.2	35.2	
E.RELIEF.EC.DEV & WFP.	18.7	30.8	16.2	
VOL.RELIEF AGENCY.....	14.7	17.4	19.0	
C.OTHER ECON. ASSIST...	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
PEACE CORPS.....	0.0	0.0	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II.MIL. ASSIST.-TOTAL...	0.2	0.3	0.3	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.2	0.3	0.3	
A.MAP GRANTS.....	0.0	0.0	0.0	
B.CREDIT FINANCING....	0.0	0.0	0.0	
C.INTL MIL.ED.TRNG....	0.2	0.3	0.3	
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E.OTHER GRANTS.....	0.0	0.0	0.0	
III.TOTAL ECON. & MIL...	172.5	193.5	205.6	
LOANS.....	60.0	81.0	94.5	
GRANTS.....	112.5	112.5	111.1	
OTHER US LOANS.....	0.0	14.7	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	14.7	0.0	
ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	
			1946-85	
TOTAL.....	711.3	779.5	449.8	5294.4
IBRD	0.0	0.0	0.0	54.9
IFC	3.9	0.0	4.0	12.8
IDA	367.3	393.1	266.0	3207.7
IDB	0.0	0.0	0.0	0.0
A0B	308.1	377.5	179.8	1755.7
AFDB	0.0	0.0	0.0	0.0
UNOP	32.0	8.9	0.0	114.1
OTHER-UN	0.0	0.0	0.0	149.2
EEC	0.0	0.0	0.0	0.0

BHUTAN*

Bhutan has been ruled by the Wangchuck dynasty of hereditary monarchs since 1907. Isolated in the Himalayas between India and Tibet, the people of Bhutan have been able to escape domination by any external power since the 10th century. It was not until the reign of King Jigme Dorji Wangchuck (1952-72) that a Bhutanese leader tried to move the Kingdom out of its centuries of medieval seclusion toward a more representative political system and better integrated, more productive economy. Although he retained strong executive powers, he created several important institutions such as the National Assembly (1953), the Royal Advisory Council (1965), and the Council of Ministers (1968) to provide broader participation in the Government. Serfdom was abolished, land reform introduced, codification of laws begun, and the judiciary separated from the executive.

The present monarch, Jigme Singye Wangchuck, has continued Bhutan's social and political evolution, although progress has been slow due to serious limitations in Bhutan's administrative capacity and resources. Bhutan is the poorest country in South Asia and one of the most traditional and least developed countries in the world. The vast majority of the population is illiterate and rural, following traditional agricultural and pastoral pursuits in a largely barter economy.

The human rights situation in Bhutan is changing only very slowly. Most observers agree that it suffers few of the problems of disaffection and repression that afflict many Third World countries in the throes of rapid change.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There were no known political killings in 1985.

b. Disappearance

There were no known disappearances in 1985.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There is no evidence of cruel, inhuman, or degrading punishment or treatment. Serious crimes are a rarity, although there has been a trend toward more criminal activity in recent years with the introduction of a large foreign labor force with no ties to Bhutanese society. Most crimes are punished by fines or imprisonment. Mutilation was outlawed in 1965, and capital punishment was retained only for treason.

*Bhutan and the U.S. do not maintain formal diplomatic relations, and U.S. officials rarely travel there. Information on Bhutanese practices in connection with human rights matters is, therefore, neither readily available nor complete.

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d. Arbitrary Arrest, Detention, or Exile

There is no special or preventive detention, and arrests can be made only under legal authority. As far as is known, neither exile nor forced labor are employed as forms of punishment.

e. Denial of Fair Public Trial

Bhutan has no written constitution or bill of rights. Criminal cases and a variety of civil matters are adjudicated under an 18th century legal code which has been revised in recent years. Familial questions are governed by the traditional religious norms of the two major groups in the country: Buddhist law governs the majority of Bhutanese, and Hindu law is applied in areas where individuals of Nepali ethnic origin are predominant.

Although the Kingdom's legal system does not provide for juries, the right to be represented by legal counsel, or due process in the Western sense, trials are generally expeditious and public. There is no prosecutor and no defense attorney because there are insufficient lawyers in the country to serve in these capacities. Judges, appointed by and accountable to the King, are responsible for all aspects of a case, including investigation, filing of charges, prosecution, and judgment of the defendant. Qualified observers report that the system conforms to the local population's concept of impartiality and justice.

In 1968-69, a separate judiciary was established which provides for local, district, and national courts with original and appellate jurisdiction. Final appeals may be made to the King.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There are no written guarantees of privacy in the Bhutanese system, but tradition has bolstered the concept. In practice, the Government does not intervene arbitrarily or unreasonably in the lives of the people.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

With a literacy rate around 5 percent, Bhutan's adult population is relatively unaffected by the print media. The only publications currently produced are a weekly and a monthly government journal and a weekly private newspaper. Indian and other foreign newspapers and publications are also distributed in Bhutan without apparent government control. There is a single national radio station, built a decade ago by the National Youth Association. Criticism of the King is permitted in the National Assembly.

b. Freedom of Peaceful Assembly and Association

No written guarantees of these freedoms exist, but Bhutanese generally enjoy the freedom of peaceful assembly and association. There are no private voluntary social, communal, or economic associations, and no professional or trade organizations.

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Bhutan has no labor unions, and hence no collective bargaining, and no legislation addressing labor-related issues.

c. Freedom of Religion

Buddhism is the state religion of Bhutan. Not only does the Government directly subsidize monasteries and shrines, but the Buddhist monastic establishment enjoys statutory representation in the National Assembly and the Royal Advisory Council and an influential voice on public policy. Citizens of other faiths, who are mainly Hindus of Nepali origin, enjoy freedom of worship. Foreign missionaries are not permitted to proselytize in the Kingdom.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There is freedom of movement within Bhutan for Bhutanese citizens and no bar on emigration or foreign travel. Permanent residence for Nepalis and Indians in Bhutan (except those in government service) is restricted to the southern hill region. A policy introduced in the 1950's, which prevented the exiled leaders of an outlawed Nepali Bhutanese political party from returning to the country, has been liberalized to allow them to return at their own request.

Bhutan traditionally has welcomed refugees and exiles from other countries in the region. Some 6,000 Tibetan refugees sought refuge in Bhutan after 1959, joining approximately 4,000 Tibetans already in the country. Because it perceived threats to national security resulting from the Tibetan refugees' lack of allegiance to Bhutan, the Government in 1979-1980 required that they either accept Bhutanese citizenship or face expulsion. When India and other countries initially refused to accept them, Bhutan's policy raised the possibility of forcible repatriation. However, the Government decided not to carry out its threat. Although most Tibetans in Bhutan have accepted Bhutanese citizenship, they have been assured by the Bhutanese Government that they will always be free to return to their homeland.

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

The Bhutanese political system is a traditional monarchy, with sovereign and wide-ranging power vested in the King. In this highly elitist system, decisionmaking is very narrowly based--centered in the palace and involving only a small number of officials in the civil and religious establishments. Political parties do not exist and their formation is discouraged. Local administration is carried out by centrally appointed government officials. Villages, however, have the traditional right to elect by consensus their own headmen, who form the lowest rung of the administrative hierarchy.

The 150-member National Assembly is composed of 110 members elected by limited franchise (heads of family in Hindu areas, village headmen in Buddhist regions), 10 members representing the monastic establishment, and 30 high-level officials of the government administration. Its principal functions are to enact laws, approve senior appointments in the Government, and advise on all matters of national importance. Voting is by secret ballot and only a simple majority is needed for passage of a

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measure. Government officials may be interpellated by the body, and ministers can be forced to resign by a two-thirds vote of no-confidence. The King cannot formally veto legislation passed by the Assembly, but he can refer bills back to it for further consideration. The Assembly occasionally has rejected royal recommendations or delayed their implementation, but the King undoubtedly could persuade the Assembly to approve any legislation he considers essential or withdraw any proposed legislation he opposes.

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

No international agency or group is known to have sought entry into Bhutan to investigate human rights conditions. Amnesty International does not report on Bhutan; Freedom House calls the country "partly free." No nongovernmental human rights groups are known to exist in Bhutan, nor do human rights appear to be a subject of domestic political debate.

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

On its land area of about 18,000 square miles, Bhutan has a population of about 1,400,000 which is growing at a rate of 2 percent a year. By all standard indices Bhutan is one of the poorest, least developed countries of the world. Its per capita gross national product in 1982 was only \$132. Given the low level of monetization of the economy, however, such statistics can be misleading. Bhutan enjoys a relatively favorable land/population ratio by South Asian standards. The traditional, essentially feudal landholding system has undergone great changes in the last few decades. Although the size of landholdings still varies considerably from family to family, and tenancy still exists, most families who rent land are also landholders in their own right. Most (except perhaps those in southern Bhutan) have about as much land at their disposal as they can cultivate, using traditional production. In 1970 the Government abolished traditional payments in kind by the populace to the monasteries and set land taxes in cash low enough not to burden even small landholders.

Within the limits set by the traditional character of Bhutanese society, the influence of the Buddhist clergy, and the underdevelopment of the Bhutanese economy, the monarchy has been promoting modernization. Under a series of five-year development plans begun in 1961, Bhutan has improved its agriculture, internal transport and communications, hydroelectric power supply, education, and public health. The amount of money allocated to these development plans has grown exponentially as Bhutan has established assistance relationships with increasing numbers of foreign countries and international organizations. Life expectancy at birth has risen from 36 years in 1960 to over 44 years. The infant mortality rate is 122 per 1,000 live births. Programs have been launched to control malaria, tuberculosis, leprosy, and goiter.

Adult literacy stood at only 5 percent in 1970 and may not be much higher today. Mass education became an official objective of the Government as early as 1952, but progress has been slow due to deficiencies in basic infrastructure (a lack of trained teachers, for example) and limited public resources. Although primary education is free and enrollment quadrupled between 1960

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and 1979, the ratio to the primary school-age population was still only 22 percent in 1983. A new education policy was introduced in 1975, with "self-sufficiency" in the supply of qualified personnel for key administrative and economic positions as one of its priority objectives. Recognizing that it will be decades before indigenous institutions of higher education attain the necessary quality, the Government plans to send a relatively small number of students abroad for advanced training. This strategy does not make it possible for every young Bhutanese who aspires to join the country's technically educated elite to receive a higher education, but it is consistent with the Government's determination to avoid the social disruptions caused by educating youth for jobs which do not exist. Although access to state scholarships for foreign education is still strongly influenced by family background, admission to the prestigious civil bureaucracy is now more based on merit than it has ever been before.

Bhutan has no minimum wage laws or other labor legislation governing its very small industrial labor force. The shortage of labor in Bhutan is such that the larger industrial establishments, all of which were established relatively recently, are organized along modern lines and incorporate a considerable amount of labor-saving technology. No industrial plant employs more than 60-70 workers, and most of these are guest workers from Nepal. Apart from the few large plants, the entire industrial sector of Bhutan consists of home-based handicrafts and some 60 privately owned small or medium-scale factories producing consumer goods. Children are not employed in industrial labor.

There are few social and economic indicators available on the status of women. Boys tend to outnumber girls by about two to one in primary schools, but no distinction is made between the status of men and women in Bhutanese law. As compared with some of its neighbors, Bhutan has not developed a rigid caste system or customs which sequester or disenfranchise women. Official Bhutanese policy is to discourage the observance of caste distinctions among the Hindu population.

The potentially most divisive issue in Bhutan is how to accommodate the large (estimated at 20-30 percent) segment of the population of Nepali Hindu origin. The country's ethnic Tibetan majority has long been concerned about being overwhelmed by immigrants from Nepal. In the past, the central Government responded to this concern by tightly limiting immigration and by restricting residence and employment of the Nepali population to the southern part of the country. The Government did not try to impose its official language on the minority but neither did it try to facilitate interaction between the two ethnic communities. More recently, however, Thimpu's policy toward the Nepali minority has been liberalized. Inter-marriage between the communities is officially encouraged, southerners are allowed to own property and establish businesses in the north, and vice-versa. Nepali Bhutanese also are being absorbed into the administration at a much higher rate than in the past. More liberal policies with respect to land ownership and taxation in southern Bhutan have also been introduced, modifying the discriminatory system which sometimes led Nepali Bhutanese to describe themselves as second-class citizens.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: BHUTAN

	1983	1984	1985
I.ECON. ASSIST.-TOTAL...	0.9	1.1	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.9	1.1	0.1
A.AID	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0
B.FOOD FOR PEACE.....	0.9	1.1	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.9	1.1	0.1
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN 3-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.9	1.1	0.1
E.RELIEF.EC.DEV & WFP.	0.9	1.1	0.1
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	0.0	0.0	0.0
C.INTL MIL.ED.TRNG....	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	0.9	1.1	0.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.9	1.1	0.1
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1983	1984	1985	1946-85
TOTAL.....	7.0	12.8	16.4	38.6
IBRD	0.0	0.0	0.0	0.0
IFC	0.0	0.0	0.0	0.0
IDA	0.0	8.5	9.0	17.5
IDB	0.0	0.0	0.0	0.0
AOB	5.0	0.0	7.4	12.4
AFDB	0.0	0.0	0.0	0.0
UNDP	2.0	4.3	0.0	6.3
OTHER-UN	0.0	0.0	0.0	2.4
EEC	0.0	0.0	0.0	0.0

EGYPT

Egypt is a republic in which the President and his party, the National Democratic Party (NDP), are the major political forces. The NDP commands a large majority in Parliament, but opposition parties play an important role. The Cabinet is headed by a Prime Minister responsible to the President. The parliamentary institutions are the People's Assembly and the Shura (consultative) Council.

Vice President under Sadat, Hosni Mubarak was elected President in 1981, following Sadat's assassination. The NDP retained its majority in the hard-fought People's Assembly elections in May 1984. One of the five opposition parties also won seats; another, although failing to qualify at the polls, was subsequently awarded several seats through discretionary presidential appointment. The governmental and legal systems are based on Egypt's Muslim and Arab heritage, as well as the experience of the 1952 revolution. Western influences are also present, reflected in the country's Napoleonic legal code.

The state of emergency proclaimed after Sadat's assassination has been maintained through extensions decreed by President Mubarak, with the approval of the People's Assembly. Under it, the President and designated officials can suspend certain constitutional and legal safeguards normally associated with the protection of civil and political liberties. The Government has used its emergency powers sparingly, but evidence suggests that they were invoked in July 1985 to detain radical Islamic figures.

The Government has permitted Islamic militants to pursue their cause through such legitimate channels as the People's Assembly, the judiciary, and the press. Proponents of the full implementation of Islamic law, for example, aired their views extensively in the press and, to some extent, in an assembly debate last May. Muslim fundamentalists have also gone to court on various occasions over Islamic-law issues. At the same time, the authorities have cracked down on activities seen as threatening public order and security. In June, the Government banned Sheikh Hafez Salaama's proposed "green march" in support of Islamic law and subsequently took over mosques suspected of being centers of radical, antigovernment activity.

The Government has given priority to economic development and liberalization while continuing its policy of trying to safeguard living standards in the face of worldwide inflationary pressures. The primary vehicle for this policy has been a massive subsidy system that, in fiscal year 1984/85, cost about \$2.4 billion--11 percent of total government expenditures.

Egypt's human rights record in 1985 reflected the steady progress toward political liberalization achieved under Mubarak's leadership, although government restrictions on certain political activities and the expression of dissent remained. Some members of the Christian minority are concerned over the potential threat to their rights posed by resurgent Islamic forces, but the Government has generally demonstrated its commitment to protecting minority rights. Coptic Pope Shenouda III has performed his papal functions without official interference following the President's decree on January 1, 1985 restoring his full papal authority. However, there were reports that legal action continued against 39 members of the

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Baha'i faith who had been detained in February and subsequently released. The action against them apparently stemmed from some Muslims' conviction that the Baha'is are apostates of Islam.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

With the exception of one terrorist assassination, there were no political killings in 1985. In August an Israeli diplomat was killed in Cairo. An unknown group calling itself "Egypt's Revolution" claimed responsibility, as it had for an earlier, unsuccessful assassination attempt in 1984 against another Israeli diplomat. As of January 1986, the case remained unsolved, but the investigation was continuing. "Egypt's Revolution" also claimed credit for the hijacking to Malta of an Egypt Air jet in November which resulted in the death of over 60 passengers.

b. Disappearance

There were no known disappearances in 1985.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture and cruel, inhuman, or degrading treatment or punishment are forbidden by the Constitution and by law. Persons claiming to have been tortured have redress in the courts, which have awarded financial compensation to various torture victims. Information gained through torture is not admissible in court. The law provides that police and security officials convicted of torture are subject to imprisonment and lesser sanctions, but known cases of officials being penalized are rare. On occasion, detainees and prisoners have claimed they were tortured and have appealed for redress to the courts or to the public prosecutor. These appeals, which generally lead to investigations by legal and medical authorities, sometimes end with the Government's denial of the alleged torture. More often, the Government fails to reveal the findings of investigations.

In November 1984 the public prosecutor initiated a major investigation of torture incidents revealed by the Supreme State Security Court in the Al-Jihad case that ended in September 1983. The court had cited torture as a factor in its decision to acquit 190 out of 300 Al-Jihad defendants and reduce prison sentences for others. According to the opposition press, former Interior ministers and still active senior police officers were among the numerous security officials suspected of involvement in the torture. The results of the investigation had not been announced by year's end.

Torture allegations continue to surface periodically in the opposition press. In March, for example, the Socialist Labor Party's publication, Ash-Shaab, mentioned a hunger strike by 17 students protesting police beatings while in detention for questioning, and there were several other such reports during the year. In August riots broke out in the Delta town of Fawa,

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sparked by the death of a local resident while in police custody. The authorities attributed the death to natural causes, while the opposition press accused police officers of beating the detainee to death. In October, the New Wafd Party's weekly, Al-Wafd, reported that two policemen were being held for questioning in connection with the incident.

In its 1985 worldwide survey, Amnesty International noted that it had not received any substantiated reports of torture in 1984. In its separate report "Torture in Egypt 1981-1983," published in August 1985, Amnesty International reviewed medical authorities' forensic records on torture victims for that period and found a "disturbing and consistent pattern of torture or ill-treatment of political detainees," including Islamic militants linked to the Al-Jihad organization, and some left-wing elements. The report mentioned Cairo's Citadel prison as a reputed site of torture activities. This prison was subsequently closed.

During the year there were several reports in the opposition press of hunger strikes by convicted Al-Jihad members in protest over mistreatment by prison authorities. There was also evidence that prison guards beat inmates and struck them with rifle butts to discipline them. Prisons vary as to living conditions and treatment; some facilities appear to be overcrowded and lacking adequate medical and sanitary facilities. Others, however, have better living conditions and programs for inmates' recreation and vocational training.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest, detention, and exile are forbidden by law. As a rule, arrests follow investigations, and arrested persons are charged with violations of specific laws. With some exceptions, preventive detention is not practiced. Arrested persons have the right to a judicial determination of the legality of detention and there is a system of bail. The law states that a detained suspect must be brought before a magistrate and formally charged within 48 hours of his arrest or else be released. By and large, there is careful observance of constitutional and legal safeguards of due process in the arrest and pretrial custody stages. Arrests occur openly and with warrants, and the accused are brought before an independent judiciary. The Government does not appear to practice incommunicado detention.

Exceptions to these arrest and detention procedures exist under the state of emergency provisions. The Constitution and the Emergency Law of 1958, as amended, empower the President, when security or public order are in peril, to invoke emergency powers authorizing the arrest and detention of persons suspected of being dangerous to state security, irrespective of provisions of the penal code. Under the emergency law a person may be held without charge for renewable 30-day periods, up to 6 months. After each 30-day interval, the detainee is allowed to petition the state security courts for release. If the court approves the petition, the President may exercise a one-time veto over the decision, keeping the detainee in custody for another 30 days. In the past few years, the emergency powers of arrest and detention have been circumscribed, and detainees have been accorded greater rights

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of appeal, as well as prompt redress, including judicial review, against improper treatment.

By the beginning of 1985 all those arrested under the emergency law in 1981 had been released, except for the 100 or so Islamic extremists serving prison sentences handed down in the Al-Jihad trial that ended in September 1984. According to press reports, the emergency law was invoked occasionally in 1985 against members of banned leftist organizations and suspected Islamic extremists, including some former Al-Jihad defendants. In July, the Government arrested several groups of radical Islamic activists totaling 46 persons, among them Sheikh Hafez Salaama and former Al-Jihad defendant Sheikh Omar Abdel Rahman. By mid-August most detainees had been released. Subsequently, the Middle East News Agency (MENA) reported the Supreme State Security Court's decision to free Abdel Rahman and 12 other persons, apparently the last of the July detainees still under arrest. It remains unclear whether formal charges were filed against the 46 detainees; the authorities spoke of "investigating" them for various offenses but have not stated whether arraignment and trial proceedings were carried out. The number of detainees currently being held under the emergency law is probably 20 to 30, based on press reports and other sources.

There have been no reports of the use of forced labor, which is legally prohibited.

e. Denial of Fair Public Trial

Egyptian law provides for public trial and equal treatment before the law, and these legal safeguards appear to be observed. Persons accused of espionage, plotting to overthrow the State or similar crimes, however, are tried in state security courts, sometimes in closed session. These courts handled the al-Jihad trials, at which all defendants were present and represented by lawyers actively defending them. Civilians arrested for certain crimes may be tried in military tribunals as well as state security courts. A military tribunal conducted the trial of civilian Soliman Khatr, the border policeman charged with the shooting deaths of seven Israeli tourists and wounding two others in the Sinai in October. The jurisdiction of the military court was challenged by the defense, but an administrative court ruled that the emergency law allowed the President to give jurisdiction to the military courts. On December 28, Khatr, who was represented by civilian lawyers, was convicted and sentenced to life imprisonment at hard labor. On January 7, 1986, Khatr was found hanged in his prison hospital room, an apparent suicide.

There are no public statistics on the number of persons serving prison sentences (as opposed to detainees on trial or awaiting prosecution) for acts of violent protest or membership in proscribed organizations espousing terrorism or the violent overthrow of the State. However, based on the convictions in Al-Jihad proceedings plus reports of trials in the opposition press, their number may reach 150 to 200. The conviction and sentencing of "prisoners of conscience" or other nonviolent dissenters appear to occur rarely, if at all. The emergency law provides ample authority to detain people believed to be planning violent acts against the Government.

The judiciary enjoys an unprecedented degree of independence. In 1984, the Government sponsored legislation that extended

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judicial immunity to members of the office responsible for investigating and prosecuting police charges against suspects. The effect of this immunity is to protect such officials from police pressures during investigations. Also in 1984, the People's Assembly, at President Mubarak's initiative, reinstated the High Judicial Council, which Nasser had dissolved. The Council is empowered to override decisions by the Ministry of Justice regarding judicial appointments, promotions, and other personnel matters. In 1984 the law concerning the Council of State, a court system having jurisdiction over disputes between private citizens and government agencies, was amended to separate the Council from the Ministry of Justice and to establish safeguards against arbitrary dismissal of council members.

In 1985, the courts demonstrated their autonomy. In April, they ruled that it is illegal to dismiss an employee solely because of his political views; dismissal is warranted only if the employee has violated the law. In August, authorities released Sheikh Hafez Salaama from detention after the state security courts ordered them to do so; the Government chose not to challenge the court's action.

Two judicial institutions criticized by the opposition and others as superfluous and potentially dangerous to the judicial system are the Court of Ethics and its investigating agency, the Office of the Socialist Public Prosecutor. Created in 1980, the Court is charged with trying offenders of "socialist values." In 1985 the Court focused primarily on cases of corruption and illegal business activities, in contrast to its use by Sadat to prosecute opponents of the Government. The Office of the Socialist Public Prosecutor functions as investigator and prosecutor for the Court of Ethics. Its other tasks include approving candidates for elective positions in the trade union movement and performing security checks on appointees to senior government positions.

Article 2 of the Constitution states that Islamic jurisprudence is the principal source of law. However, the literal application of Islamic law is limited to the so-called Family Status Courts, which have jurisdiction over such matters as divorce and inheritance for Muslims. In addition to Islamic law, these courts apply the codes of other religions in family matters if the parties are non-Muslim. In May 1985, the People's Assembly debated proposals for the implementation of the Shari'a (Islamic law). By a large majority, the Assembly voted to conduct a law-by-law review of all statutes in order to change those conflicting with Islamic law. The review process is expected to require years to complete.

The judiciary also issued an important decision in May in the area of Islamic law. The preeminent Islamic institution, Al-Azhar University, had challenged civil code statutes permitting commercial interest payments, arguing that interest constitutes usury under Islamic law and should be prohibited under Article 2 of the Constitution. In ruling against Al-Azhar, the High Constitutional Court stated that Article 2 cannot be applied retroactively, thereby apparently establishing the principle that the constitutional provision for the primacy of Islamic jurisprudence does not supersede the body of law predating the Constitution and still in effect.

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f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Freedom from arbitrary interference by the State or by political organizations in private life is guaranteed by the Constitution. The Government does not appear to interfere, except where actual crimes are involved or where the State believes there is evidence that persons may be engaging in potentially violent political activity. Except as allowed by the emergency law, police must obtain a warrant from the State Security Prosecutor before undertaking arrests, searches, or seizures. The warrant need not specify the material being sought in a search, and the material seized can be presented as evidence during trials. On occasion, the courts have dismissed cases when they considered that warrants were issued without sufficient cause. Police officials who conduct searches without proper warrant are subject to criminal penalties, but there were no reports of officials being so penalized in 1985.

Monitoring of correspondence or telephones does not appear to take place without the legally required authorization beforehand from the State Security Prosecutor.

The emergency law empowers the President to authorize searches of individuals or premises without regard for the code of penal procedure. Since the aftermath of Sadat's assassination in 1981, there have been a few reports in the opposition press of warrantless searches being conducted in connection with investigations of extremist organizations, both Islamic and leftist. The Government has not confirmed any of these reports, but some of them appear factual. Also there have been several reports by opposition papers that their premises were entered and searched by unknown persons after working hours.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Constitution guarantees freedom of speech and of the press. The Government's respect for these freedoms is reflected in the debate of national issues and criticism of government officials in the media. Much debate appears in the so-called "national press"--the major government-owned dailies and news magazines--but the weekly opposition party newspapers and publications of Islamic groups are especially critical. Although the emergency law can be used to ban publications, the Government has not invoked it for this purpose.

There is a widely held view, which extends to opposition circles, that the Egyptian press has never been freer. Nonetheless, the Government occasionally exercises influence on the national press, whose editors-in-chief are appointed and can be dismissed by the NDP-dominated Shura Council, the upper chamber of the Parliament, which has responsibility for press supervision. The Council theoretically exercises its supervision through the Government's ownership of major nonparty newspapers and magazines and through its role in the Higher Press Council. The latter, a 45-member body chaired by the Speaker of the Shura Council and composed of senior press figures, is not designed to serve as a vehicle for imposing press censorship, nor does it appear to be a very active body. One of the Higher Press Council's functions, though, is to approve applications for new publications; on a few occasions applications to publish independently owned journals have been

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rejected or delayed for lengthy periods. This approval, however, is required only for publications appearing regularly on a set schedule. Items appearing irregularly are published without the Council's certification.

Overt censorship does not exist, but journalists and editors working for government-supported newspapers are "guided" by officials on occasion about the treatment of specific issues. Since Mubarak assumed the presidency, there have been no confirmed reports of government action to silence press critics. No censorship was applied regarding press coverage of the arrests of Islamic extremists in July and other sensitive stories during the year. No journalists have been arrested on political grounds. The courts overturned an attempt to confiscate an edition of an opposition newspaper in 1984. No attempt at confiscation was made in 1985. Two of the five Muslim and Coptic religious publications suspended by the Sadat Government in 1981 have yet to reappear, despite a 1982 court decision canceling the suspensions. The two publications are the Muslim brotherhood's Al-Dawa and the Coptic Al-Kiraza Al-Murqassia.

A wide variety of foreign reading matter in both Arabic and other languages is readily available. In 1985, authorities banned a few issues of certain foreign publications, including the London-based newsmagazine Al-Majallah, as well as Newsweek and Time.

b. Freedom of Peaceful Assembly and Association

Under the emergency law, the Government can place limitations on the constitutionally guaranteed right of assembly. Permission is required from the Interior Ministry to hold public meetings, mass political rallies, and protest marches. Despite its emergency authority to restrict gatherings of government opponents, the Government has allowed opposition parties to hold numerous meetings and rallies, usually stipulating that they be held indoors. At the same time, the Interior Ministry has moved against radical Islamic elements, banning, in June 1985, Sheikh Hafez Salaama's proposed "green march" to the presidential palace in support of full implementation of Islamic law. Salaama asked the Administrative Court to lift the ban, but the Court upheld it, citing a 1923 law empowering authorities to prevent public meetings or demonstrations deemed threatening to public order or security. Subsequently, in July, the courts ruled in Salaama's favor when he filed suit challenging a second ban by the authorities of a public meeting proposed at Cairo's Abdin Square. However, Salaama canceled the meeting when the Interior Ministry specified a different site for the event.

In October, following violent protest demonstrations by university students, the Interior Minister announced a ban on such activities. He stated that citizens have the freedom to express their views but should do so through "legal channels" --the media as well as political party and trade union forums. Earlier in 1985 there had been occasional protest demonstrations by students and others; police forcibly intervened when they became disorderly. Despite the Interior Minister's ban, students at Zagazig University reportedly staged protest demonstrations in December; both the progovernment papers and the opposition press reported clashes between demonstrators and police, resulting in some arrests.

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About 20 to 25 percent of the work force is unionized, and there are no restrictions on workers' freedom to organize. Every 50 workers in a given activity can form a committee, which operates as a local union. These locals are affiliated with national unions, all 23 of which are required to affiliate with the sole labor federation, the Egyptian General Trade Union Federation (EGTUF). There have been complaints to the International Labor Organization (ILO) that the requirement that all unions must join a single national federation is an infringement of the workers' right of freedom of association. In response to these complaints, the Government established a commission to study the possibility of amending the labor laws to bring them into conformity with the ILO freedom of association conventions.

The trade unions' principal function is to defend the rights of the membership in dealing with management on such issues as wages and working conditions. Labor defines its interests on these issues and pursues them with considerable freedom. However, there are restrictions. Setting wages through collective bargaining is not permitted. Instead, management consults closely with unions in fixing wages. The labor code also provides for a system of arbitration to resolve wage and working condition issues, but it omits any reference to the right to strike. Answering ILO criticisms, the Government points out that strikes do occur and there is no legal ban against them. In practice, strikes are discouraged by both government and trade union leaders, but in 1985, as in the past, there were occasional reports of work stoppages. These incidents apparently lasted a few days at most and focused on local bread-and-butter issues. In most cases, the strikes reportedly ended with management's pledge to act on workers' grievances; in a few cases the authorities intervened to restore normal operation.

After the September 1984 workers' riots at the Delta textile center of Kaffar Al-Dawwar, police arrested, among others, about 20 union members suspected of orchestrating the disorders. Textile union leaders hired a team of lawyers for the arrestees' legal defense. By early 1985, according to reliable sources, all of the detained union members had been freed under court orders obtained by the lawyers.

Professional associations, in particular the bar association and the press syndicate, criticize government policies in their pronouncements and occasionally sponsor protest activities. The associations also operate largely free of government interference. In 1985 the bar association and the commerce and engineers syndicates held elections for their respective governing boards; by all accounts the balloting was fair and competitive, with no intervention by the authorities.

EGTUF adheres to the principle of nonmembership in international labor organizations, except for the Organization of African Trade Unity, the Arab Labor Organization, and the International Confederation of Arab Trade Unions. However, the latter suspended Egypt's membership in 1978 in reaction to the Camp David accords, as did the Arab Labor Organization in 1979. Despite EGTUF's prohibition, some individual unions have affiliated with larger international trade union organizations. EGTUF itself has signed various international cooperation agreements, one of them with the AFL-CIO. There appear to be no restrictions on the international affiliations of professional associations.

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c. Freedom of Religion

According to the Constitution, Egypt is an Islamic state which guarantees freedom of religious expression and equality before the law regardless of religion. Egypt has a tradition of religious toleration, and the authorities generally uphold the rights of religious minorities. Islam and Coptic Christianity are the two major religions. While most Egyptian Jews emigrated many years ago, those few who remain appear to practice their faith without restriction or harassment. Various Protestant sects operate, some with significant Egyptian membership, while others have a small following largely among expatriates. All organized religions may maintain links with coreligionists abroad. Proselytizing of Muslim Egyptians is prohibited. Conversion from Islam, while officially not restricted or penalized, is discouraged by the Government.

In February, the Government arrested 39 adherents of the Baha'i faith; within a week they had reportedly all been released. The press reported in June that the State Security Prosecutor had declined to try the Bahai's because their ostensible offense, belonging to an apostate religion, is not a crime under Egypt's penal code; instead, he transferred the case to another court for prosecution under statutes forbidding the use of religion to promote seditious ideas and for the violation of a 1960 law outlawing organized activities by Bahai's. Subsequently, foreign press reports indicated that Cairo's Abdin Court had postponed issuance of a verdict in the case until February 3, 1986. In November, following a judicial investigation, the authorities deported, in lieu of prosecuting, 19 foreigners, some of them American citizens, linked to the "Children of God" cult. The deportees were accused of using religion to spread socially harmful ideas.

All faiths can, in principle, establish places of worship, run schools, and train numbers of clergy adequate to serve believers. Under a law dating back to the Ottoman era, non-Muslims must obtain numerous official permits, not required of Muslims, to build places of worship. Obtaining authorization can take years. In 1985, as in previous years, authorities approved permits for several new churches. Permits are not required for the restoration of existing churches but are needed to enlarge the structures.

Coptic Christians are the most significant indigenous religious minority and constitute an estimated 10 percent of the population. Copts work in all career fields, occupying many leadership positions in the business and professional communities. Copts seem by and large to enjoy equal access with Muslims to public employment, although there appear to be instances of discrimination. They are sparsely represented at the highest levels of Government; two of 33 cabinet ministers and 9 of 458 Peoples Assembly deputies are Copts.

University officials have denied allegations that general admissions procedures were revised in the fall of 1984 in order to discriminate against Copts. Nevertheless, allegations continue of anti-Copt discrimination in admissions to some fields of medical study. Copts and other non-Muslims also are not permitted to enroll in Cairo's Muslim religiously oriented Al-Azhar University or Al-Azhar's nationwide primary and secondary school system. The Government has denied a request to establish a Coptic university.

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Though many Copts may face prejudice and individual acts of discrimination from Muslims, there is no evidence that these acts are officially inspired. President Mubarak has emphasized publicly the full equality of Copts and other religious minorities. The courts' application of Islamic law to family matters in the Muslim community (marriage, inheritance, personal property)--and the Islamic influences elsewhere in the legal system--have not touched the constitutionally guaranteed freedoms of Copts and other minorities as well as Muslims themselves.

Since reaching a peak in the period preceding Sadat's assassination, reports of persecution and physical attacks on Copts by Islamic extremists have diminished sharply, although the Government continues to take substantial measures, such as posting security forces near Coptic churches, to guard against violence from Islamic militants. In an October interview with Al-Ahram, Pope Shenouda praised the spirit of national unity prevailing among Egyptians and said that "sectarian violence" is an expression alien to Egypt. His publicly stated view that Muslim-Copt relations have improved greatly appears to be widely shared in Coptic circles.

During 1985 virtually all of the estimated 26 Coptic bishops and priests still barred from resuming their former positions for fomenting sectarian strife in 1981 were allowed to return to their dioceses. An undetermined number of Islamic prayer leaders in this category are still barred from the mosques, reportedly on instructions of the state security investigations agency. Other prayer leaders have been displaced since July by a campaign to nationalize private mosques suspected of being centers of radical Islamic activity. Among those now affected was Hafez Salaama, whose Al-Nur mosque in Cairo was closed by the authorities, ostensibly for completion of the half-finished structure.

Political activity along religious lines is forbidden, and various Islamic and Coptic societies are legally proscribed. Although the Muslim Brotherhood (MB) is technically banned, its activities are tolerated so long as they do not threaten state security or foster sectarian tensions. In the May 1984 elections for the People's Assembly, eight MB adherents were elected on the New Wafd Party's slate. In May 1985 the courts ruled that mere membership in the MB is not a criminal offense. The MB has a suit pending in court to seek restoration of its legitimacy.

In July, the Government banned the placing on automobiles of religious stickers, both Muslim and Coptic. The stickers had been appearing with increasing frequency on automobiles, allegedly causing sectarian tensions.

Egyptian law prohibits the use of places of worship to criticize the State. The courts have not yet ruled on a challenge to the constitutionality of this restriction. In May, Sheikh Salah Abu Ismail, an opposition People's Assembly deputy, reportedly proposed legislation that would grant Muslim prayer leaders immunity from prosecution for antigovernment sermons. Although the Government maintains that sermons by Islamic and Coptic religious figures are not censored, Muslim prayer leaders are occasionally detained and questioned for delivering allegedly inflammatory declarations in their mosques.

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Pope Shenouda III, whose recognition as Coptic Orthodox Patriarch was revoked by the Government in 1981, remained in government-enforced seclusion for over 3 years until his release by presidential decree on January 1, 1985. There appear to be no conditions attached to his return to public life and full papal responsibilities. In April, elections postponed by the Pope's seclusion were held for the Coptic Melli Council, a 24-member lay body that oversees some church administrative matters.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Egyptians are guaranteed freedom of movement except in well-defined military districts; additional restricted areas apply to travel by foreigners. Except for limitations affecting males who have not completed compulsory military service, freedom of foreign travel and emigration is also guaranteed. Citizens who leave the country have the right to return. Some who left for political reasons have returned since President Mubarak assumed office. There are no known cases of citizenship being revoked for political reasons. Egypt has a liberal policy on political asylum, and the extradition of political refugees is prohibited by law. In September, the Interior Minister testified to People's Assembly committees that there were 3,000 political refugees from other Arab countries in Egypt.

Under the state of emergency, the Prime Minister has authority, which he may delegate to the Interior Minister, to restrict foreign or domestic travel. The opposition has alleged use of this emergency authority to prevent suspected Islamic militants from leaving the country. In April, the Interior Minister announced the restoration of full travel rights to 3,471 persons, identified as members of the Al-Jihad organization, by removing their names from the "black list" of individuals not permitted to go abroad. According to another ministry official, there remained fewer than 500 persons subject to travel restriction (in contrast to 45,000 in the Nasser era), all by judicial order as provided by the penal code and most having criminal cases pending. Following his release from detention in August, radical Islamic preacher Hafez Salaama was permitted to leave the country for the annual Muslim pilgrimage to Mecca.

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

Egypt's political system is characterized by a strong presidency. The President heads the National Democratic Party (NDP), which wields a substantial majority in the People's Assembly, but opposition parties organize, publish their views, and, in some cases, represent their followers in the People's Assembly and on the local level.

The largest and most influential of the five legally constituted opposition parties is the New Wafd, a revival of the Wafd, one of the major political parties before the 1952 revolution. The New Wafd resumed activity in 1983, following court decisions that restored the leaders' political rights and affirmed the party's legal status.

Restrictions on the formation of new parties are embodied in a 1977 law which prohibits the formation of parties based on religious or class lines, as well as new parties whose

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platforms duplicate those of existing ones or include opposition to the Egyptian-Israeli peace treaty. The law also established the so-called "Parties Committee," whose approval is required to form a new party. When the Committee rejects an application to form a new party, the applicants are entitled to challenge the decision in court. In 1985, the sponsors of a proposed Nasserist party filed suit when the Committee turned down their application. In its May ruling on the suit, the Administrative Court referred the case to the Supreme Constitutional Court, where it remained pending. The Court also stated that provisions of the 1977 parties law may be unconstitutional because of contradictions with citizens' political rights and freedom of expression.

The People's Assembly comprises 458 members, of whom 10 are appointed by the President. Half of the elected seats are reserved for worker and peasant representatives, and 31 for women. Following the most recent elections in 1984, the NDP controls the People's Assembly with 395 seats. The New Wafd has 58 seats (including 8 from the Muslim Brotherhood) and other parties have 5 (all appointed), giving the opposition greater representation than in the previous Assembly. Both NDP and opposition deputies can and do strongly criticize the Government. Cabinet Ministers appear before critical assembly committees. Assembly members call for parliamentary investigations into government actions or policies, requiring testimony of government officials. In voting, there is some crossing of party lines.

An electoral commission drawn from the judiciary is designed to insure that voting is conducted fairly and legally. It supervises parliamentary elections and is present in each district on voting day. Election voting can be invalidated if irregularities are found. Each party in the election may have observers at the polling places.

In the hard-fought 1984 campaign, the NDP and the four participating opposition parties together fielded over 2,000 candidates. The elections, in which 43 percent of Egypt's approximately 12 million voters cast ballots, are regarded as the freest and most competitive since the 1952 revolution. A number of losing opposition candidates filed court cases, still pending, challenging the election results. The indications are that the improprieties were random occurrences and that there was no systematic effort to rig the elections.

A major opposition complaint centered on the July 1983 electoral law which had replaced the previous system of single-member constituencies with a party list system. In each of the 48 electoral districts, assembly seats were awarded in proportion to the number of votes for each party's list, subject to the requirement that a party receive at least 8 percent of the total vote. The opposition parties criticized this "8 percent" proviso on the grounds that it was excessively high and they have filed court suits challenging the constitutionality of the law on the grounds that it infringes upon equal rights provisions of the Constitution.

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

Egypt has signed the Organization of African Unity's African Human Rights Charter and has reaffirmed its commitment to the

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U.N. Human Rights Declaration and respect for related international conventions. The Government is responsive to queries from Amnesty International and other international groups about human rights concerns, including requests for visits. Within the Government, primary responsibility for international human rights matters rests with the Foreign Ministry's Legal Office and Office of International Organization Affairs.

Human rights groups in Egypt are increasingly active in promoting domestic and foreign human rights issues. Their activities cover such areas as prisoners' welfare and women's rights; some groups are also trying to mobilize public support on certain political issues. In May the medical syndicate reportedly formed a committee to investigate physicians involved in torture incidents. Women's rights groups actively lobbied for the passage of the new family status bill enacted by the People's Assembly in July. The Government does not appear to interfere with these organizations.

In its 1985 Report, Amnesty International expressed concern about prolonged pretrial confinement of accused persons in political cases, curbs on defendants' right of appeal in state security courts, inadequate safeguards against torture and ill-treatment, and the now-ended restrictions on Pope Shenouda. Freedom House rated Egypt as "partly free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Egypt's population of about 49 million is growing at an annual rate of 3 percent, and its per capita gross national product was \$700 in 1983.

Egypt enforces strict laws limiting the size of landholdings in an attempt to guarantee equitable income and production opportunities in rural areas. The limit in "settled lands" (the Nile Valley and Delta) is 100 feddans (one feddan equals 1.04 acres) per family. Larger holdings are permitted and encouraged in "new lands," the desert areas being brought under cultivation through irrigation. Despite these policies, an expanding population living on a limited natural resource base has contributed to restricted growth of per capita income.

Most of the Government's massive subsidy program goes to subsidize bread, rice, tea, edible oil, butane gas, meat, and corn. As a result of this program, caloric intake for the average Egyptian exceeds minimal nutritional requirements. It also assures ample supplies of basic necessities at fixed and affordable prices. Aware of the strain on the budget and the distortions this system introduces into supply-and-demand relationships, the Government is moving to reform it through such measures as raising prices for bread and other commodities, stiffening eligibility requirements for subsidized items, and raising some energy tariffs. To meet the acute housing shortage, the 5-year development plan, currently in its fourth year, includes an ambitious program of public housing.

Education and health services are free and available to the majority of Egyptians. Infant mortality is estimated at about 105 per 1,000 live births, and life expectancy is 58 years. As of 1980, 88 percent of the urban population and 64 percent of rural residents had access to safe water. About 44 percent of adults are literate; 86 percent of male youth attend primary school, but only 62 percent of school age females are

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enrolled. In rural areas, owing to tradition and economic circumstances, some children are kept from school to work on family farms. University education is free to anyone who passes the secondary school completion exam. Assignment to faculties is based on score rather than a student's own choice, except for those with top scores.

Employers are required by law to provide acceptable terms and conditions of employment for their workers; the minimum wage is approximately \$22 a month, and the regular workweek is fixed at 48 hours for factory workers. Employers are legally required to meet worker safety and health norms, which are modeled on the ILO's suggested standards. There are special provisions for female workers. Employers who violate wage, hour, and safety and health provisions face civil and criminal penalties, and independent sources confirm that the courts occasionally impose fines on offending companies.

The minimum age for full-time employment is 12, which is also the minimum school-leaving age. However, there is evidence that the traditional practice of using underage children to perform full-time jobs continues. In the latest survey (1981) of the labor force, the Government's central statistics agency reported that over half a million children aged 6 to 12 were regularly employed, a majority in the agricultural sector.

By law, and in many respects in practice, there is equality of the sexes. Women vote, work outside the home, and can serve in the military. Women are represented in medicine, law, and education and serve in the People's Assembly and the Cabinet. They are generally free to travel, though a married woman must have her husband's permission to obtain her initial passport. A husband may subsequently rescind his permission and request that his wife's passport be canceled, though such cases are rare. Under Islamic law, female heirs are entitled to one-half the amount of inheritance that male heirs can receive. In rural areas and within more traditional communities, prevailing cultural values make it more difficult for women to pursue careers outside the home. In such households, by custom and tradition, women occupy a subordinate and dependent role.

Reinforcing the legal basis for equality of the sexes is the new family status law enacted in July 1985. The statute preserved largely intact women's right to divorce and divorced women's child custody and property rights spelled out in the 1979 act it replaced. The latter had been declared unconstitutional in May on narrow technical grounds by the Supreme Constitutional Court. Although the 1979 statute provided that a husband's second marriage was automatically grounds for the first wife to obtain a divorce, the new version states she must prove that the second marriage has caused her material or psychological harm. On the other hand, the new law also requires the husband to declare second and subsequent marriages, with failure to do so constituting grounds for divorce by the first wife. The successor law retains the controversial provision that, in case of divorce, the woman has the option of retaining possession of the family residence or of receiving financial compensation.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: EGYPT

	1983	1984	1985
I.ECON. ASSIST.-TOTAL...	1005.1	1104.1	1292.1
LOANS.....	238.3	237.5	213.8
GRANTS.....	766.8	866.6	1078.3
A.AID	750.0	852.9	1065.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	750.0	852.9	1065.1
(SEC.SUPP.ASSIST.)...	750.0	952.9	1065.1
B.FOOD FOR PEACE.....	255.1	251.2	227.0
LOANS.....	238.3	237.5	213.8
GRANTS.....	16.8	13.7	13.2
TITLE I-TOTAL.....	238.3	237.5	213.8
REPAY. IN \$-LOANS.....	238.3	237.5	213.8
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	16.8	13.7	13.2
E.RELIEF.EC.DEV & WFP.	5.2	0.4	0.0
VOL.RELIEF AGENCY.....	11.6	13.3	13.2
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	1326.9	1366.7	1176.7
LOANS.....	900.0	900.0	0.0
GRANTS.....	426.9	466.7	1176.7
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	900.0	900.0	0.0
C.INTL MIL.ED.TRNG....	1.9	1.7	1.7
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	425.0	465.0	1175.0
III.TOTAL ECON. & MIL...	2332.0	2470.8	2468.8
LOANS.....	1133.3	1137.5	213.8
GRANTS.....	1193.7	1333.3	2255.0
OTHER US LOANS.....	8.4	199.9	0.0
EX-IM BANK LOANS.....	8.4	155.7	0.0
ALL OTHER.....	0.0	44.2	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES

	1983	1984	1985	1946-85
TOTAL.....	491.0	528.7	441.9	4558.3
IBRD	350.0	458.0	263.3	2850.3
IFC	110.9	8.0	6.5	212.1
IDA	0.0	0.0	0.0	980.6
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	23.8	109.6	194.3
UNDP	2.1	0.5	0.0	97.2
OTHER-UN	0.0	13.4	0.0	43.3
EEC	28.0	25.0	62.5	180.5

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India follows a multiparty democratic system based on the British parliamentary model, with an independent judiciary and a free press. Free elections take place regularly, with the most recent national parliamentary elections held as scheduled December 24, 1984, only 7 weeks after the assassination of Prime Minister Indira Gandhi.

The Congress (I) Party headed by Prime Minister Rajiv Gandhi holds nearly 80 percent of the seats in the lower house of India's Parliament. Congress (I) also controls the largely ceremonial upper house, as well as the legislatures of 13 of the 22 states. Another state's coalition government is led by Congress (I). Other parties (in two states with Congress (I) support) control the eight remaining states. Punjab and Sikkim, which were under direct control by the central Government ("President's Rule") at the beginning of the year, elected state and parliamentary representatives in 1985, as did Assam where elections had previously been postponed because of the unsettled communal situation.

India's economy is mixed, with banks, air and rail transport, public utilities, and much heavy industry in government hands. The agricultural sector, the manufacture of consumer goods, and the supply of services are largely privately held. The Government has relaxed regulation of private business activity in recent years.

India is a secular state. Although 83 percent Hindu, India has a large Muslim population (about 80 million, or 11 percent). There are also sizable populations of Sikhs, Christians, Jains, Buddhists, and Parsis. In some outlying regions, there are locally important minorities or tribal groups, such as the Nagas. The new Punjab state government has also helped settle in Punjab a large number of Sikh families who fled there following the 1984 riots.

The upheaval in the Sikh-majority state of Punjab remained India's most serious human rights concern in 1985 although the situation improved markedly compared to 1984. In 1984, the Government, in response to Sikh-separatist agitation, sent army units into the Golden Temple in Amritsar, the Sikhs' most holy shrine. Prime Minister Indira Gandhi was assassinated by two of her Sikh bodyguards in apparent revenge for the attack on the temple. Over 2,000 persons, mostly Sikhs, died in postassassination rioting and many others lost their homes. Most of those Sikhs whose homes were destroyed during the postassassination violence have since been resettled, generally in the same urban areas where they previously lived.

The release from detention of Sant Harchand Singh Longowal and other prominent leaders of the Akali Dal (the primary Sikh political party) in March and April helped create a climate in Punjab conducive to discussions between the Government and the Akali Dal. An agreement between the two sides was announced on July 24 following meetings between the Prime Minister and Longowal. The accords, which contained provisions for settling the major points of contention between the Sikhs and the Government, appear to be broadly acceptable to the majority of Sikhs as well as to Indian citizens of other religions.

Other incidents of communal violence were reported in several parts of India in 1985. There were clashes both between

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religious communities (generally Hindu-Muslim) and between castes of different economic levels, particularly attacks on untouchables by higher-caste Hindus.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

The Government does not engage in political killing. Communal or caste differences, exacerbated by the competing economic and political goals of various religious and ethnic groups, often result in intercommunal and intercaste violence, increasing the occurrence of politically motivated killing. There are allegations that some of these deaths occur at the hands of various security forces, but there is no evidence that the government sanctions such violence.

Both Hindus and Sikhs were murdered in violence related to the unrest in Punjab in 1985. Victims included prominent politicians working for Hindu-Sikh unity as well as several allegedly involved in the anti-Sikh rioting of November 1984. The head of the Akali Dal, Harchand Singh Longowal, was assassinated on August 20 by Sikhs opposed to the accords reached between the Sikh leadership and the Government in July. There were other terrorist incidents not aimed at specific targets. In early May, Delhi and other northern Indian centers witnessed a spate of random bombings when terrorists rigged small transistor radio bombs to explode on buses, trains, and in other public places.

In response to these incidents, Parliament passed the Terrorists and Disruptive Activities (Prevention) Act. Human rights activists voiced concern that this law might allow undue government interference in the legitimate activities of citizens. To date the Government has not invoked this Act.

In April, the Government charged a judicial commission with the investigation of the 1984 anti-Sikh riots in Delhi. The commission's mandate was extended under the terms of the Punjab Accords to include investigation of riots in other north Indian cities.

Communal riots and violence based on caste considerations are longstanding problems in India. In 1985, such incidents took place in widely separated parts of India. The 4-month long agitation over the minority "reservations" issue in Gujarat, where higher-caste groups agitated against expanded quotas for lower caste students in the state's professional schools, was the most serious and violent of these disturbances, resulting in over 200 deaths. The situation came to a head when police attacked newspaper offices and journalists who they suspected of exacerbating communal and intercaste tensions. The Government then called in the army to restore law and order.

b. Disappearance

Some Sikhs dispute government assertions that all those arrested in Punjab following the June 1984 army operation in the Sikh Golden Temple are accounted for. The number of such disputed cases is small, and it is possible that those involved are either underground in Punjab or have left the state.

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c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Government does not condone torture or cruel treatment, which are prohibited by law. Indian case law, extending over many decades, excludes from admission in court any confessions or information extracted through the use of force or torture.

Police brutality against prisoners and suspects was reported by the press in 1985 in a number of states. Police are sometimes accused of staging mock "encounters" with suspects to conceal the fact that the victims had previously died in police custody, or of attributing deaths of suspects in police custody to causes such as "suicide," "disease," "shock," or "injuries received prior to arrest." One such incident occurred in 1985 when a Sikh suspect arrested in connection with the May "transistor" bombings in New Delhi died in police custody, although he reportedly had only minor injuries when arrested the day before. The postmortem showed that his death was due to physical abuse. Two others arrested at the same time also showed signs of physical abuse when they appeared in court. There is no evidence that the state or central governments condone police brutality. At the same time, there have been few official inquiries into allegations of police brutality.

Prison facilities are crowded and pretrial detention may last for months or years. Press accounts report the use of convicts for domestic work by jail officials in contravention of regulations, sexual abuse of some prisoners, and lengthy detention "for their own protection" of some women who had reported rapes to police.

According to a classification system dating from the colonial period, prison authorities grant varying privileges to prisoners of different social status. Foreign nationals and political prisoners are entitled to larger or less crowded cells, better food, and other amenities than ordinary prisoners; some middle-class prisoners are segregated from other prisoners and given more privileges.

d. Arbitrary Arrest, Detention, or Exile

The Constitution provides that a person in custody be told of the grounds for arrest, be given the right to be represented by counsel, and be brought before a magistrate within 24 hours of arrest. At his initial appearance, the accused must be either remanded for further investigation or released on bail. These provisions are generally respected.

The Constitution permits the enactment of preventive detention laws against threats to the public welfare and to the national security. Such laws provide for limits on the length of detention, generally not to exceed 12 months, and for review of such detention. Two preventive detention laws are currently in force. One, rarely used, permits the arrest of suspected "economic offenders." The other is the National Security Act (NSA), intended to permit the detention of security risks, which stipulates that the courts, in order to release a detainee, must determine that all grounds for detention are invalid, rather than simply any one of them. When a detention order expires, another can be issued, extending detention by up to another 12 months. If authorities add new grounds for detention for each extension,

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a detainee theoretically can be held indefinitely through a series of extensions.

The NSA has been used in Punjab but, according to official government sources, Punjab's newly-elected state government revoked detention orders against 224 of the 233 people held under this law. The remaining nine detainees have been accused of spying, espionage, and seditious activity. Central government authorities have given the Punjab government responsibility for deciding whether to continue detention of these individuals.

Except as permitted by the Terrorist Affected Areas Act, which still applies to Punjab and Chandigarh, incommunicado detention is not practiced. The right of habeas corpus is available so that a detainee or his representative can petition for the detainee's release.

Exile is not a legally sanctioned punishment in India; there is no evidence that any Indian citizen was exiled in 1985.

Although there is no specific law in India against "forced labor," Article 23 of the Constitution dealing with the fundamental rights of citizens includes the "right against exploitation"; under its terms, forced labor is prohibited.

e. Denial of Fair Public Trial

There is no constitutional guarantee of public trial. The criminal procedure code provides for open trial, but also permits the judiciary to close the proceedings under relatively narrow circumstances. For example, the Official Secrets Act permits closed proceedings on the plea that publication of any evidence or statements would be prejudicial to the safety of the State. The Act requires, however, that the passing of sentence take place in public.

The 1984 Terrorist Affected Areas Act amends the Evidence Act in areas declared "terrorist affected" by placing the burden of proof of innocence on the accused. Terrorist affected areas are defined as areas where there have been extensive disturbances of public peace for more than 1 month, and where violence was directed against peacekeeping forces. Trials under this act are held in camera. A few special courts were set up under provisions of the Act, trials were held, and convictions made. Many of those convicted were later released after the Akali Dal government came to power in Punjab in September 1984.

In 1985, courts martial and other judicial procedures have continued to deal with those Sikh military members--some 2,733 according to Defense Ministry sources--who deserted their units after the June 1984 military action against the Golden Temple in Amritsar. Some Sikhs have argued that these deserters were following their religious dictates and had acted to protect their religious freedom. In some cases these soldiers have been sentenced to up to 14 years imprisonment. The Punjab Accords provide that Sikh soldiers discharged from the army (presumably following their desertion) will be "rehabilitated."

As a general rule, Indian legal procedures assure fair trial. Defendants have the right to choose counsel, and effective appeal channels are available at each stage of the judicial process.

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The Indian bar is independent of government at all levels. Judges of the state high courts and the Supreme Court are selected by the Law Ministry, following consultations with the Chief Justice of the Supreme Court. The central Government since 1983 has reversed previous practice and now generally appoints chief justices in states other than their states of residence. Although there was some apprehension among high court justices that the new practice could be used to remove judges who had given verdicts unfavorable to government, there has been no indication of any such abuse.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Indian law requires warrants for searches and seizures but also permits the police in a criminal investigation to institute searches without warrant if otherwise there would be undue delay. The officer must state in writing the grounds for making the search without a warrant and specify the object of the search. There is no indication that this provision has been abused.

The authorities continued to invoke special powers during 1985 in the "disturbed areas" of Assam and Punjab, although "disturbed areas" legislation on Assam was lifted in July. Under the provisions of law governing disturbed areas, civilian authorities down to the rank of subinspector of police, and military authorities down to noncommissioned officer, are given exceptional authority, including to search and arrest without warrant and to shoot to kill in some circumstances.

The press has reported allegations of the tapping of telephones and interception of personal mail. Such surveillance is authorized by law "on the occurrence of any public emergency or in the interest of the public safety or tranquility." These terms are not specifically defined and thus lend themselves to a broad interpretation. Censorship of mails under certain circumstances, such as public emergency, is legal. Aside from these instances, the Government does not routinely interfere in the private lives of its citizens.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Constitution guarantees freedom of speech and, by extension, of the press. However, material which, in the view of government authorities, may incite religious or communal hatred is proscribed from print. A booklet published by a human rights group entitled "Report to the Nation: Oppression in Punjab" was banned in this manner. A 1984 case registered against an Indian journalist remains unresolved. The journalist, who reported that some Sikhs arrested during the army's assault on the Golden Temple in Amritsar in 1984 were summarily executed, was charged with provoking riot and disaffection among communal groups. By late 1985, the journalist's passport had been returned, but his press credentials had not been renewed and the case against him was still pending.

A film censorship board reviews all films before they are licensed for distribution. The board excises material deemed overly violent or offensive to public morals or to religious

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and communal sentiment. Radio and television are government monopolies, and opposition parties often accuse both of favoring the ruling party.

Opposition viewpoints enjoy wide dissemination in the print media, and many political parties control their own newspapers or journals. The press in general is lively and free, and there are no restrictions relating to criticism of the Government. Press censorship, imposed in Punjab following the Army action in June 1984, is no longer in force.

b. Freedom of Peaceful Assembly and Association

The Constitution protects the right of peaceful assembly and the right to form associations and unions. These rights are respected in practice. For reasons of crowd control, authorities sometimes require permits and notification to police prior to demonstrations, parades or similar gatherings. There are no prohibitions against Indians joining any association, union, and professional or social welfare organization.

The right to organize, bargain collectively, and strike is recognized in the Industrial Disputes Act of 1947 (as amended) and the Indian Trade Union Act of 1926. However, the Essential Services Maintenance Act (ESMA), renewed in 1985, permits government intervention to ban strikes and immediately to institute conciliation in 16 industries identified as essential for the public welfare. The National Security Act empowers the central Government to curb strikes in the same 16 industries. In September, Parliament enacted legislation which denies employees of intelligence agencies the right to organize and strike. In 1985, the Government invoked ESMA during the agitation in Gujarat when the entire state government work force went on a 72-day strike over the issue of "reservations," i.e., the percentage of promotion and employment opportunities set aside for backward classes. The Government also invoked ESMA when electricity and waterworks employees and the employees of the Food Corporation of India threatened to strike. Under ESMA the Government provides for alternate resolution of disputes through conciliation, mediation, or, ultimately, referral to arbitration or adjudication.

India's unions claim a membership of approximately 14 million or about 5 percent of the total work force. This claimed membership represents approximately 50 percent of the workers in the "modern sector" of the economy. Four-fifths of the labor force is in the rural sector, where unemployment and underemployment are endemic and where organization into effective unions is difficult. Employer associations and trade unions, as well as government labor officials and mediators, play a prominent role in developing industrial relations norms in both the private and public sectors.

There is heavy emphasis on political activity by unions representing the relatively few workers in the economy's modern sector. The labor movement wields influence disproportionate to its numbers because of its organization of strategic sectors of the economy such as government, transportation, and basic industries, and because of the unions' association with various political parties.

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The political parties exercise strong influence on their trade union wings but, except for the Communist unions, India's national labor centers exercise considerable independence in their internal affairs and in the representation of worker interests.

Unions and professional bodies are free to maintain contact with international bodies. The Indian National Trade Union Congress and the Hind Mazdoor Sabha are affiliated with the International Confederation of Free Trade Unions. The All-India Trade Union Congress is affiliated with the Soviet-supported World Federation of Trade Unions (WFTU) and the Center of Indian Trade Unions attends WFTU meetings as an observer.

Indian trade unions have complained several times in recent years to the International Labor Organization's (ILO) Committee on Freedom of Association, charging violations in India of ILO conventions and recommendations. The two Marxist trade unions usually have presented these complaints. According to ILO documents, the Government has cooperated in the Committee's investigations.

c. Freedom of Religion

All religious groups are allowed to worship freely and government policy favors no one religious community. However, communal tensions and violence based on religious differences continue as a serious social problem. The Government limits the number of foreign Christian missionaries, but there is no legal bar against proselytizing by Indian Christians.

Although Sikhs generally are treated equally under the law, Sikhs, particularly young males, were subjected in 1985 to more rigorous security precautions than others in certain circumstances (e.g., airport security).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There is full freedom of movement within India for all citizens with the caveat that travelers to certain sensitive border areas must obtain special permits. Foreign travel and emigration are without political restrictions. More than 3 million Indian citizens now live abroad. There are no special restrictions of movement applied to women or other groups. In mid-1984 the Government tightened visa requirements for foreigners coming to India so that virtually every non-Indian must now have an entry visa. Foreigners are also not allowed to travel to a number of sensitive border areas. Punjab has been off-limits to foreigners without special permission since mid-1984, although the restriction was lifted for foreign journalists in July 1985.

Since independence in 1947 India has admitted millions of refugees. Most who wanted to remain have been granted citizenship and integrated into the society.

A large number of Bengali-speaking people moved from Assam into West Bengal in 1983 as a result of violent agitation in Assam against alleged migrants from Bangladesh. West Bengal authorities report that the 23,000 people who had been in relief camps had returned to Assam by early 1985.

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An estimated 100,000 Tamils have entered India from Sri Lanka since 1982. Most arrived since the current ethnic disturbances in Sri Lanka began in mid-1983 and have remained in the state of Tamil Nadu. The Government provides them shelter and subsistence. The Government has denied Indian press reports that it has also provided training to members of certain Sri Lankan armed Tamil separatist groups.

Several thousand Afghans have entered India since the Soviet invasion in 1979. Many have since departed to other countries. Although India does not formally recognize these Afghans as refugees, there has been very little evidence of forcible repatriation. The 1984 World Refugee Report listed two cases of United Nations High Commissioner for Refugees-mandated Afghan refugees, who had left India for third countries (Sweden and Saudi Arabia), being denied admission to India upon their return. Failing admission to India, each was returned to Afghanistan by the responsible airline. The passengers' destination was determined by the airline, not by the Government of India.

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

The Constitution grants universal adult suffrage to all citizens over 21. Regular elections are held at every level. By law, Parliament can be constituted for no more than 5 years.

The election law was amended in 1985 to provide that the death during an election campaign of a candidate not representing a major political party would no longer annul that election.

The Constitution empowers the President to declare an emergency or "President's Rule", on the advice of the Prime Minister in the event of war, external aggression, or internal disruption; collapse of the constitutional machinery in any state; or the financial breakdown of the federal or any state government. President's Rule, in effect in Punjab since October 1983 and in Sikkim since May 1984, was lifted in both states during the year. The return to representative government in Punjab followed state elections there on September 25 in which the Akali Dal (the primary Sikh party) won a massive victory, securing nearly two-thirds of the state assembly seats and a majority of Punjab's parliamentary seats. The elections were peaceful and the turnout high.

A multitude of state and national parties are in active opposition to the Congress (I) Party, which holds power at the national level and in the majority of India's 22 state governments. The parties represent every shade of the ideological spectrum and freely contest elections at all levels. No social, religious, or linguistic group is denied political participation or suffrage.

There are no legal barriers to female candidates, although their numbers have remained small since independence. The late Prime Minister, Indira Gandhi, was a woman. There are 44 women in the lower house of Parliament, and 24 in the upper house (of authorized memberships of 544 and 244 respectively).

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

No international investigations of the human rights situation in India are known to have been conducted since 1978. India is a member of the U.N. Human Rights Commission.

There are several independent Indian human rights organizations, including the People's Union for Civil Liberties and the People's Union for Democratic Rights. These organizations periodically send study teams to report on specific situations. In September, the Citizens for Democracy (CFD) released a booklet, "Report to the Nation: Oppression in Punjab." The document, billed as a response to the 1984 government White Paper on the army operation against dissidents in the Sikh Golden Temple, was banned the day after its release. Several members of the five-person study team who provided interview material for the booklet, as well as the owner of the printing press involved in its publication, were arrested on charges of sedition and "spreading disaffection among the communities." All were later released on bail pending trial. Both the media and some opposition politicians have condemned the Government's harsh response.

Several women's groups monitor the status of women and were active in 1985 in agitating against "dowry deaths". Both women's groups and human rights groups welcomed the Supreme Court's decision that divorced Muslim women are entitled to maintenance and support from their former husbands despite the constraints of Muslim personal law. But the Muslim community as a whole resented the Supreme Court judgment, decrying it as interference in the Muslim personal law. Some of these groups have also recommended that Muslims be covered under a nationwide civil law for all communities.

The Parliament and press continue to be the most significant channels for reporting human rights violations. In 1985, the press focused attention on human rights violations against Sikhs; violence against women, including "dowry deaths", rape and other physical violence; police brutality; conditions in jails; and exploitation of low-caste, harijan (untouchable), or tribal people in rural areas.

In its 1985 report, Amnesty International expressed concern about the detention of prisoners of conscience and about large numbers of political detainees held without trial under preventive detention legislation or awaiting trial under special legislation permitting trial in camera; allegations of torture; reports that alleged extremists were shot dead by security forces after capture; and judicial executions. Freedom House calls India "free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

India's population is estimated to be 767,768,000 with an annual growth rate of approximately 2 percent. Per capita gross national product was \$260 as of 1983.

The Indian Constitution calls on the Government to minimize inequalities in income, facilities, and opportunities for all citizens. Indian economic policies have been defined in a series of 5-year plans since 1950, which have sought to establish a framework for realization of these objectives. In

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India's mixed economy, the private sector produces 80 percent of the gross national product (GNP) and accounts for 93 percent of employment.

Life expectancy at birth is 56 years, and the infant mortality rate is 101 per 1,000 live births. Adult literacy is about 36 percent. Only 41 percent of the population have access to safe drinking water. The ratio of calorie supply relative to nutritional requirements is 89 percent. In both health services and education, there are great differences between rural and urban areas. The difficulty in providing adequate health, nutritional, and family planning services in the countryside continues to be a serious constraint to reducing both mortality and fertility rates among the rural poor.

Education and literacy have expanded rapidly since independence. Primary school enrollment, which was 43 percent in the 1950-51 school year, rose to 69 percent in 1980. School enrollments are higher for males (78 percent) than for females (55 percent), and are lower for children from disadvantaged groups such as scheduled castes and tribes.

Although proscribed by law, both child labor and bonded labor persist in India. Employment of children (i.e., under 15 years of age) is exacerbated by poverty and the absence of compulsory education. A survey conducted by the Labor Ministry estimates that every fourth child between the ages of 5 and 15 is employed, i.e., approximately 44 million children. Child labor is extensive in rural areas (approximately 90 percent according to government estimates), particularly in agriculture and cattle tending and in such activities as carpet weaving, wool cleaning, and the manufacture of matches and fireworks. In the modern manufacturing sector, child labor is virtually nonexistent. The Labor Ministry has blamed the persistence of child labor on economic realities--the cheapness of such labor for employers and economic necessity for parents.

Bonded labor, although prohibited under the Bonded Labour System Act of 1976, continues despite efforts to eliminate the practice. Bondage typically arises when an individual borrows money, at usurious rates, and is unable to repay the debt. Most vulnerable are landless, unemployed rural workers hired by small enterprises, particularly in the construction industry. The workers are placed in debt and are kept there by revolving loans from employers. Under these circumstances bondage can last a lifetime. Estimates of the number of affected laborers vary between 500,000 and 2.5 million, depending partly on the definition used. The central Government has repeatedly urged the states to detect, release, and rehabilitate bonded laborers; the Government has also offered matching contributions to meet financial outlays for the purpose. As of December 31, 1984, according to Ministry of Labour statistics, 173,814 cases of bonded labor had been identified, of which 131,407 had received rehabilitation assistance. A 1982 Supreme Court decision defined the term "forced labor" to include labor or service to another for remuneration which is less than the minimum wage. In this context, "forced labor" occurs throughout India, particularly in rural areas.

India has no national minimum wage. Minimum wages, under the Minimum Wages Act, are established by the various state governments through tripartite minimum wage advisory boards

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for the "nonmodern" sector of the economy, i.e. stone-breaking, agriculture, edible oils. As a result, minimum wages in these sectors vary widely from state to state. In the agricultural sector, day wages range from 7 to 12 rupees (\$1=12.2 rupees); in the edible oils industry, from 4.25 to 9 rupees. Enforcement of these rates is poor. In urban areas, where unions are more common, wages are set through collective bargaining or the supply and demand mechanism.

The Factories Act of 1948 prescribes minimum standards for safety and occupational health and established the 8-hour day and 48-hour workweek. Industrial health and safety standards are enforced and accepted as good management practice in the more modern sector of the economy that includes steel plants and petrochemical complexes. Enforcement of minimum standards is exceedingly poor in the older, less cost-effective plants involving textiles and chemicals. Safety standards are generally flouted in the small-scale sector, i.e., businesses having less than 400 workers, due in part to the growth in this sector together with an inadequate number of trained inspectors.

There has been a steady decline over many decades in the ratio of women to men. Women die earlier than men, and the female infant mortality rate is higher. Both phenomena may reflect the greater economic value associated with males, especially in northern India, and consequent nutritional and health-care neglect of females in poorer homes.

Although women are guaranteed equal rights and protection under the law in India, longstanding cultural biases cause them, in practice, to have fewer educational and career opportunities. In 1985, public attention was again focused on "dowry deaths," the death under suspicious circumstances of women whose parents have been unable to pay a supplementary dowry demanded by the husband's family after marriage. Most reported cases of "dowry deaths" occurred in northern India, in lower middle-class urban families. There has been increasing agitation for legal protection, but most suspected cases of dowry deaths are investigated as accidents by the police rather than as murder. Lobbying by women's groups on this issue led Parliament to pass an amendment to the Dowry Prohibition Act which became effective in October and provided stringent punishment for those convicted in dowry death cases.

Certain castes and tribes are "scheduled" for the purpose of assigning benefits of governmental action to relieve disadvantages resulting from social factors. Scheduled castes make up 15 percent of the population. The tribal people are an estimated 7 percent. The Government has met only modest success in its efforts to improve the positions of these groups, and some programs have had the unintentional effect of mobilizing the upper castes against efforts to benefit the disadvantaged. These programs include a quota system in educational enrollment, preferences for housing and government jobs, and reserved seats in Parliament for members of the scheduled groups.

Violence directed against scheduled castes or scheduled tribes persists. The basis of such violence is often economic, involving perceived threats to the economic position of higher castes by lower economic groups demanding legal minimum wages or land tenancy. The Government attempts to provide legal and physical protection to victimized groups, and in the last 3

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years the judiciary has taken a harder line, including the handing down of death sentences, against those accused of participating in mob violence against harijans.

The report of the Backward Classes Commission, released in mid-1982, remains under consideration at both state and national levels. The report covers not only the scheduled castes and tribes, but a number of other communities considered "backward." A number of castes are trying to be included on the growing list of "backward" communities in the hope of obtaining special government compensation and consideration for jobs. The Commission's main recommendations involve more than doubling the number of reserved seats in education and government employment from the 22.5 percent provided under the Constitution to 49.5 percent.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: INOIA	1983	1984	1985	
I.ECON. ASSIST.-TOTAL...	209.5	213.3	190.9	
LOANS.....	64.4	61.5	59.3	
GRANTS.....	145.1	151.8	131.6	
A.AID	89.0	87.5	88.6	
LOANS.....	64.4	61.5	59.3	
GRANTS.....	24.6	26.0	29.3	
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0	
B.FOOD FOR PEACE.....	120.5	125.8	102.3	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	120.5	125.8	102.3	
TITLE I-TOTAL.....	0.0	0.0	0.0	
REPAY. IN \$-LOANS.....	0.0	0.0	0.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	120.5	125.8	102.3	
E.RELIEF,EC.DEV & WFP.	21.0	10.7	11.5	
VOL.RELIEF AGENCY.....	99.5	115.1	90.8	
C.OTHER ECON. ASSIST...	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
PEACE CORPS.....	0.0	0.0	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II.MIL. ASSIST.-TOTAL...	0.1	0.1	0.3	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.1	0.1	0.3	
A.MAP GRANTS.....	0.0	0.0	0.0	
B.CREDIT FINANCING....	0.0	0.0	0.0	
C.INTL MIL.ED.TRNG....	0.1	0.1	0.3	
O.TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E.OTHER GRANTS.....	0.0	0.0	0.0	
III.TOTAL ECON. & MIL...	209.6	213.4	191.2	
LOANS.....	64.4	61.5	59.3	
GRANTS.....	145.2	151.9	131.9	
OTHER US LOANS.....	6.8	0.0	0.0	
EX-IM BANK LOANS.....	6.4	0.0	0.0	
ALL OTHER.....	0.4	0.0	0.0	
ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	
			1946-85	
TOTAL.....	2179.0	2789.4	2522.0	23284.8
IBRD	1087.9	1721.4	1674.0	8925.3
IFC	15.2	43.7	34.7	324.6
IDA	1063.0	1001.0	672.9	13328.4
IOB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFOB	0.0	0.0	0.0	0.0
UNDP	12.9	23.3	0.0	244.5
OTHER-UN	0.0	0.0	140.4	462.0
EEC	0.0	0.0	0.0	0.0

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Iran is officially an Islamic Republic under the leadership of Ayatollah Ruhollah Musavi Khomeini. Its formal system, based on the Constitution approved in 1980 by popular referendum, follows a parliamentary pattern with a legislature, the Majles, and a president elected from among multiple candidates by universal suffrage. However, only candidates meeting highly restrictive religious and political criteria are permitted to contest elections, and the choice offered to voters is limited. The regime's hold on power is reinforced through arrests, executions, and other forms of intimidation.

The regime is dominated by a political elite composed of a group of Shi'a Muslim clerics who support Khomeini and of laymen aligned with these clerics. The regime, however, is not monolithic, and there are major differences on theology and on economic issues such as private property ownership, government versus private control of foreign trade, industrial policy, and strategy for the war with Iraq.

The war with Iraq, which began in September 1980, continues with little hope for an end in the near future, given the Iranian regime's lack of interest in negotiating a settlement. The war has been costly to both sides. Iran claims that over 100,000 of its soldiers have been killed and that the war has created about 1 million refugees. Missile and bombing attacks have caused considerable damage to civilian areas and loss of civilian life. An insurgency in Kurdish areas began about 6 years ago and continues. Urban terrorists cause civilian casualties and property damage in often random bomb attacks.

Nearly 7 years after the 1979 ouster of the Shah and the advent of the Islamic Revolution, the Iranian regime still considers itself revolutionary but must grapple with the need to revive the economy and operate political and social institutions, both new and old, in a productive manner. Iran is an oil-rich developing country. The disruptions of the revolutionary period caused serious economic deterioration. After improving somewhat in the preceding 2 years, the economy again declined in 1985. Inflation and unemployment are high, and corruption and black market activities flourish.

Although the trend is toward greater adherence to constitutional guarantees of human rights, particularly since December 1982, Iran's human rights record continues to show serious abuses.

RESPECT FOR HUMAN RIGHTS**Section 1 Respect for the Integrity of the Person, Including Freedom from:****a. Political Killing**

Reliable statistics are not available on the number of people killed for political or religious reasons. Due to the lack of procedural safeguards for defendants tried in revolutionary courts, which handle virtually all political cases, most of the hundreds of executions ordered each year by such courts amount to summary executions. It is difficult to separate

* Because of the absence of a United States Mission in Iran, this report draws heavily on unofficial sources.

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cases of executions for actual participation in violent activities or narcotics trafficking from cases of executions based purely on the defendants' beliefs, statements, or associations, given the regime's practice of cloaking the latter category with trumped-up charges from the former category, but the number of purely political executions in 1985 reportedly includes dozens of persons arrested during demonstrations and summarily executed. At least 6 Baha'is were killed for religious reasons in 1985.

Amnesty International's 1985 annual report recorded an estimated 6,108 executions for all causes in Iran between February 1979 and the end of 1984; the report noted, however, that "Amnesty International believed the true figures were much higher, as former prisoners and relatives of prisoners consistently testified that large numbers of political prisoners were executed in secret."

Political killings were also perpetrated by opposition groups, including the Mojahedin-e-Khalq, a terrorist organization sometimes known as the People's Mojahedin Organization of Iran. The Mojahedin have claimed responsibility for assassinations with firearms, and dozens of innocent persons, including a 4-year-old girl, were killed in 1985 by bombs exploded in public places. The Mojahedin are also believed responsible for bombs delivered, and in some cases exploded, at Iranian diplomatic missions in other countries.

Killings related to the insurrection in the Kurdish area also continue. Although there are no reliable statistics, many deaths have resulted not only from fighting between dissident Kurdish groups and the regime and from regime forces' summary executions of Kurds in captured territory, but also as a result of internecine fighting among Kurdish groups.

b. Disappearance

Disappearances are seldom permanent in Iran. People are arbitrarily arrested or carried off, they are held without charge, and some are summarily executed; the society, however, is not tightly controlled, so a persistent relative can usually determine who was responsible for the arrest and locate the detainee. Although many relatives are not officially informed of executions, they seem to find out and can often confirm rumor by checking burial records at Tehran's cemetery.

There are, however, some cases of long-term disappearance. One report obtained by Amnesty International stated that sometimes opposition members are listed as "killed while resisting arrest" when in fact they are still alive and in jail. Most such arrests are believed to be the work of the Revolutionary Guard and to be sanctioned by the regime.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Stories of torture in Iran's prisons are rampant and cover a wide range of inhuman practices, particularly in Evin Prison in Tehran, Iran's largest and most notorious. Mock executions are a favorite method of torture there, along with blindfolding and solitary confinement. Beatings of all kinds appear to be common. Prisoners are beaten on the soles of

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their feet until they can no longer walk. Others have had damaged kidneys as a result of being kicked and beaten.

This torture occurs in government prisons or in government houses in which prisoners of special interest are held for questioning. Presumably it takes place with the sanction of top officials. Many of these reports come from individuals who themselves were in the prisons and who, in some cases, experienced the torture.

The regime continues to revise Iran's civil code to conform more closely with its interpretation of Islamic law. In January the Government announced the development and inauguration of a new machine for surgical amputation of the hands of convicted thieves. As interpreted in Iran, this punishment consists of amputation of the four fingers of the right hand. There were subsequent announcements of the occasional use of this device. Death by stoning reportedly has been reinstated as a punishment for certain crimes against morality, at least in the city of Kerman. There are many reports of floggings, both as a means of torture and as a formal punishment for sexual offenses.

The jails are grossly overcrowded. Toilet facilities are inadequate or totally lacking. Medical treatment is not available, unless the guards believe a prisoner will break and "confess" if enticed by treatment of his wounds. Food is inadequate and sometimes full of dirt and bugs.

In its report, "Torture in the Eighties," Amnesty International expressed concern that torture has become a routine practice in at least some Iranian prisons and noted in particular two kinds of ill-treatment of prisoners: the officially sanctioned punishment of prisoners by whipping, and the torture of prisoners held in incommunicado detention during interrogation to extract confessions.

d. Arbitrary Arrest, Detention, or Exile

Arrests for expression of views critical of or different from those of the Government have decreased during the past 3 years, in part because of the widespread fear of arrest. If there is a formal accusation, the charge is usually subversion, antiregime activities, or treason. There is also evidence that some persons are arrested on trumped-up criminal charges (for example, on drug charges) when their actual "offenses" are political; the lack of fair trials and other procedural safeguards encourages such a practice. Political arrests are made by members of the Revolutionary Guard or, less commonly, by Komiteh members. Regular police and gendarmes are normally not involved in arrests made on political or morals charges. In political cases, there normally are no warrants for arrest. There is no judicial determination of the legality of detention in Iranian law. Detainees are frequently held for long periods without charge and in some cases have been tortured, only to have the mullah (Muslim cleric) who supervises the prison apologize subsequently for the mistake. For political crimes, no access to a lawyer is permitted; such cases are heard, if at all, by the revolutionary judiciary. Bail is not permitted in political cases.

Although the Constitution does guarantee many basic human rights, including rights related to due process (e.g., the

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right to be informed in writing of charges immediately after arrest, the right to legal counsel, the right to trial by jury in political cases), the revolutionary court system ignores these provisions in practice. There are no reliable estimates of the number of persons arbitrarily arrested in 1985, but the number is probably in the thousands.

Persons suspected of involvement in antiregime activities are all subject to the same procedures. They are arrested by Revolutionary Guard or Komiteh members. Those suspected of minor offenses are held for questioning at local Revolutionary Guard offices. Sometimes they are released after several hours or several days, a process that may be repeated two or three times before the authorities decide the detainee is innocent or that he is guilty and should be jailed. Other suspects are taken directly to one of the prisons where they may be held for weeks, months, or even years prior to being released or executed. Some who have been released report being called for questioning on several different occasions. In some cases a mullah is involved, in others unidentified questioners, sometimes including torturers. It is also unclear whether this questioning constitutes a trial by a revolutionary court or whether it is part of the investigative process.

Information as to whether forced labor is used in Iran is unavailable.

e. Denial of Fair Public Trial

Most of those arrested have a trial of some sort, but, although so-called trials of major opposition figures are sometimes telecast, no trial by a revolutionary court can be called fair or public. If the trial is given publicity, it is generally because the prisoner has already been forced to confess to crimes. Restraints on arbitrary actions of the revolutionary courts were reportedly severely weakened in 1985 by a decision to limit the review authority of the Supreme Court. Formerly, all cases decided by the revolutionary courts were subject to review by the Supreme Court, permitting improper decisions to be overturned, but under the new decision the Supreme Court can only examine those cases which are recommended for review by the Supreme Judicial Council, which consists of the Chief Justice, the Prosecutor General, and three mullahs.

For common criminal offenses, many elements of the prerevolutionary judicial system survive, and the accused often have the right to a public trial with benefit of lawyers of their own choosing, assuming they can afford the fee. Even this judiciary is not fully independent. Many of the former judges were retired after the revolution, and new judges selected. One criterion for new judges is grounding in Islamic law, and political acceptability is an absolute requirement for any government position. Assignment of cases to regular rather than revolutionary courts is haphazard and apparently occurs mainly when arrests are made by regular police. Favorable verdicts reportedly can often be "purchased" from the judges serving on civil and criminal courts and to a lesser degree from judges of revolutionary courts.

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f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government is attempting to remake Iranian society according to Khomeini's interpretation of Shi'a Islam. It rejects the Western distinction between a public sphere which the Government may control and a sphere of private life (religion, culture, thought, and private behavior) which the State may not properly control. The regime defines itself as Islamic and attempts to enforce a way of life asserted to be Islamic.

Since Khomeini's eight-point decree of December 1982, Iranians have enjoyed greater freedom in their private life. One of the eight points was that no one had the right to enter private homes without a warrant. An exception was made for suspected hideouts of opposition groups. The decree did say that if Revolutionary Guards entered a home believing it to be an opposition hideout and found they had made a mistake, they were to depart, even if they had found evidence of un-Islamic activities such as the presence of alcoholic beverages. The decree also stated that mail should not be opened nor telephones tapped unless there was good reason to suspect antiregime activities. Homes are still entered, mail is still opened, and phones are still tapped, but much less so than previously. Moreover, Iranians now have a decree by Khomeini on which to base complaints. A Headquarters for the Enforcement of the Imam's Decree was set up, as were a number of provincial and local offices. These offices, which may still be in operation, received thousands of complaints about violations of rights of privacy.

Special Revolutionary Guard units check on social activities. Women whose clothing does not completely cover the hair and all of the body except hands and face, or who wear make-up, are subject to arrest. If they are, in the words of the Prosecutor General, "reformable," they may be lectured and released. If considered defiant, they may go to jail.

The schools are reportedly used by the regime to assure that students' families behave in an "acceptable, Islamic manner." Children are asked about the habits of their parents, and un-Islamic behavior is reported to Revolutionary Guard units.

Neighborhood Komitehs, which originally acted as "block wardens," monitoring activities of residents, seem to be less active now. There have been efforts to disband them and many may have in fact disappeared.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Constitution states that "publications and the press may express ideas freely, except when they are contrary to Islamic principles, or are detrimental to public rights." In practice, most publications are controlled by the Government or by the Islamic Republican Party, and the remaining independent publishers run the risk not only of press shutdowns and confiscation of publications and equipment but of arrest and summary punishment if they are overly critical of the regime. Examples of such punishments were sufficiently numerous in past years to retain a chilling effect. All books are required to be submitted to the Ministry of Islamic

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Guidance for censorship before they can be published. Publishers, authors, and printers also engage in substantial "self-censorship" before submitting books to the Ministry, due to the substantial penalties, including economic losses, incurred when books are rejected.

Closure in June of the radical daily newspaper Azadegan was extensively criticized by the press, and the paper's publishers were later permitted to publish a new daily, Abrar. While there are competing newspapers in Iran, and officials and policies of the Government are often subjected to public criticism, newspapers must be supportive of Khomeini's concept of the Islamic Republic, and they do not criticize Khomeini or key policies. Nevertheless, some independent publishers out of favor with the regime continued to survive in 1985, and some books and pamphlets critical of the regime were published without reprisal. All broadcasting facilities are government-owned.

Academic freedom has increased in the last 3 years. Universities have reopened and are under looser constraints. The regime remains committed, however, to the elimination of all un-Islamic influences, and textbooks are reviewed to determine their acceptability. Foreign books, newspapers, and magazines either are not permitted or may be imported only after review.

b. Freedom of Peaceful Assembly and Association.

Although the Constitution permits unarmed assemblies and marches "provided they do not violate the principles of Islam," the only ones permitted in practice are those sponsored by the Government, such as Friday prayers and sermons and parades on official occasions. As in the past, there were numerous cases during 1985 of outbursts of public protest, but these were forcibly dispersed, and hundreds were arrested and dozens reportedly executed during the year for taking part in such demonstrations. The Constitution permits parties, groups, professional associations, and both Islamic and minority religious associations, but most independent organizations have either been banned or are moribund. Restrictions on freedom of speech and assembly discouraged the participation in the 1984 parliamentary elections of any party other than the semiofficial Islamic Republican Party (IRP). Only IRP candidates were permitted to run in the 1985 presidential election, although at least two other legal parties exist.

There were until recently no legal labor unions, although some unauthorized unions had been organized and were active. However, a new national labor union, the "Islamic Union," was reportedly created in late 1985 under a law enacted by the Majles. All economic concerns with a minimum of 50 employees are permitted to have a branch of the new union, whose goal is said to be to protect workers' interests and further their professional development. Nominally independent, it reportedly will be controlled by the Labor Ministry.

It is also believed that there are officially sanctioned "Islamic workers councils" in some factories. These, however, are more instruments of government control than bodies that represent workers' interests, although they have frequently been able to block layoffs or firings of workers. Several short-lived strikes in 1984 were dealt with severely. The

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leaders of a soft-drink plant workers' strike were reportedly arrested and executed. Other major strikes, involving steel workers in late 1984 and petroleum refinery workers in late 1984 and early 1985, reportedly were settled peacefully.

c. Freedom of Religion

Iran terms itself an Islamic republic, and religion is closely intertwined with government. Grand Ayatollah Khomeini is recognized as the supreme leader, and this position is viewed as having something akin to divine sanction. The President and many other top officials are mullahs (religious leaders), as are the Speaker of the Majles and nearly half the Majles deputies.

Approximately 90 percent of Iranians are Shi'a Muslims. Aside from slightly over 1 percent who are non-Muslims (Baha'is, Christians, Zoroastrians, and Jews), the rest are Sunni Muslims. The Sunnis, who are mostly non-Persians--Kurds, Arabs, Turkomans, Baluch, and other ethnic minorities--tend to be located in remote tribal areas. Their political influence is very limited. The Constitution declares that "the official religion of Iran is Islam and the sect followed is Ja'fari Shi'ism," but it also states that "other Islamic denominations shall enjoy complete respect." Although Sunnis have encountered religious discrimination on the local level and in many cases persecution based on ethnic origin, the regime has made efforts to reduce Shi'a-Sunni antagonism.

Tests of Islamic knowledge and orthodoxy, required in the early postrevolutionary years for public or semipublic employment and enrollment in higher education, have been dropped in recent years on the grounds that they conflict with the constitutional provision that "the interrogation of people regarding their beliefs is forbidden." This provision is ignored, however, in the treatment of members of the Baha'i faith.

The Baha'i religion is not recognized in Iran, and since the revolution the Baha'is, Iran's largest non-Muslim minority (300,000-350,000 members), have suffered severe persecution, mainly government-directed and aimed at the religious leadership. Baha'i property has been confiscated, shrines demolished, businesses disbanded or confiscated, and known Baha'is denied public-sector employment. These measures effectively deny employment to most urban Baha'is. Much of the Baha'i religious leadership has been arrested, as have many ordinary Baha'is. Charges are vague; "crimes against God," "corruption on earth," "warring against God," and "Zionism" are among the most frequent. The real reason for the arrests seems to be advocacy of Baha'ism. As of December, 1985, 767 Baha'is were in jail. Approximately 200 Baha'is have been executed or have died following torture since the beginning of the revolutionary period, at least 6 during 1985.

In August 1983, the Prosecutor General issued an order that effectively bans all Baha'i religious activity and provides the legal foundation on which virtually all members of the faith could be charged with crimes. Participation by Baha'is in social welfare organizations is forbidden, their businesses are outlawed, and teaching of the faith, even by parents to children in the home, is not permitted. Although the Baha'i national leaders dissolved the community's organizations in

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obedience to the Prosecutor General's edict, they were subsequently arrested, and at least some were executed.

The small Christian, Jewish, and Zoroastrian (the pre-Islamic religion of Iran) populations are concentrated mainly in urban areas. Their religions are recognized by the Constitution, and they elect representatives to seats reserved for them in the Majles. They are permitted to practice their religions, to instruct their children, and, although with a great deal of disruptive interference, to maintain schools. There continue to be reports of officially sanctioned discrimination against these minorities, particularly in the areas of employment and public accommodations, and of severe discrimination by the Government against Muslims who have converted to Christianity.

The Constitution states that recognized religious minorities shall be free in matters related to teaching and that the teaching of ethnic-language literature is permitted. Armenian schools, closed during much of 1984 due to the Government's insistence that they could not use the Armenian language for instruction, reopened in late 1984 after an informal compromise was reached, but their status remains precarious.

Jewish groups report fewer such problems because the language spoken in Jewish homes and informally among Jews is Farsi. Jews, however, are subject to travel restrictions which are not applied to members of other recognized religious groups. In parts of Iran, Zoroastrians reportedly are considered "unclean" and are required to warn barbers, launderers, and restaurant owners that their service will be for "unclean" people, so that they can decide whether to serve such clients.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Iranians may travel to any part of Iran, except for the war zone on the border with Iraq and, in times of heavy fighting, some Kurdish areas. Such limitations as exist are for purposes of military security. Persons may also change their place of residence without obtaining permission.

Travel outside Iran is considerably easier than before the spring of 1983. Khomeini's decree of December 1982 included the right to travel abroad. Prior to that time passports and exit visas had been difficult to obtain. Males of draft age are not issued exit visas except for approved courses of study, and Iranians who are politically suspect, such as some retired military officers and high level public officials under the former regime, may not be able to leave. Also denied exit visas are persons who have not repaid loans obtained from development banks under the old regime. Reportedly some Iranians, particularly those with skills in short supply and who were educated at government expense, are required to post bonds to obtain exit visas. Jewish Iranians are permitted to obtain passports and to travel, but they are normally denied the multiple-exit visas given to most Iranians and must make a fresh application (with a fresh fee) for each planned trip. Permission is not normally given for all members of a given Jewish family to travel outside Iran at the same time. Baha'is are not permitted to obtain passports or to leave the country.

With the exception of some with close ties to the former regime, Iranians are generally able to return after long

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periods abroad without reprisal. Not all citizens who leave, however, are guaranteed the right to return. Iranians suspected of close association with the old regime have encountered problems obtaining new passports, and there are unconfirmed reports that a few were arrested in 1985 on their return. However, numerous other immediate relatives of persons wanted by the regime seem able to live in Iran, travel outside, and return without undue difficulty, and in recent years many who fled at the time of the revolution have returned and have sought, through the Iranian judicial system, the return of their properties.

Iranian passports have always been stamped "not valid for emigration," but the Government does not make a clear distinction between legal residence in another country and emigration. According to the regulations, Iranians with a legal residence outside Iran may be issued passports and advance exit visas by the Iranian embassy, consulate, or interests section in their country of residence. Iranians who have acquired U.S. citizenship are considered Iranian (in effect dual nationals) unless they have formally renounced their Iranian citizenship in accordance with Iranian law. Dual nationals have complained that the Iranian Interests Section in Washington, D.C., will neither give them visas in their U.S. passports nor issue them Iranian passports and exit visas on the grounds that their residence in the U.S. is not legal because, according to Iranian law, they emigrated illegally. Although such services may be denied, there are no known instances of the denial of Iranian citizenship to Iranians who left Iran, or to those who have remained there.

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

Iran is ruled by a group of religious leaders and their lay associates who share belief in Ayatollah Khomeini as the supreme leader of the revolution and in the legitimacy and desirability of a theocratic state based on his interpretation of Shi'a Islam. Of Iran's political parties, only the Islamic Republican Party is represented in the Government, and most high-level government officials belong to it. Roughly half the winning candidates in the 1984 Majles elections were members; the remainder were elected as independents.

Beginning a year after the Shah's departure, the revolutionary regime has held elections at fairly regular intervals for President, Majles deputies, members of the Council of Experts (responsible for choosing Khomeini's successor), and members of local government councils. All elections have been hard fought, generally with several candidates for every position. All candidates must be approved by the Council of Guardians, however, and only those meeting the Council's vaguely described political and religious criteria may run. In practice, only supporters of the theocratic state are accepted. There has, however, been considerable diversity of opinion among candidates on economic and social questions.

A presidential election was held in 1985, but the Council of Guardians denied certification as candidates to 51 of 54 applicants. Only the incumbent President, Hojjatollah Ali Khamenei (Secretary General of the IRP), and two fellow members of the IRP were permitted to run. The President was reelected with a reported 87 percent majority, with both his majority and the level of voter participation lower than in the 1981 election.

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The independence of the Majles is enshrined in the Constitution and exists to a large degree in practice. While Majles deputies are typically allied with various powerful political and religious officials, they may speak and vote independently and may shift from one faction to another. The Majles holds genuine debates, normally broadcast live on radio, on a wide variety of issues but not, however, including central issues such as the war or the fundamental character of the Islamic Republic. In some cases, laws proposed by the Government have been voted down. Prime Minister Musavi was heavily criticized before and after the presidential election, and there were public calls for his replacement. Following Khomeini's expression of support for Musavi's continuation in office, the Majles voted to reconfirm him, but 40 percent of the deputies voted against him or abstained. In October, after Khomeini convoked Majles deputies and informed them of his desire for the rapid approval of Musavi's new Cabinet, the deputies voted independently on the proposed ministers, approving 22 ministers by widely varying margins but rejecting 2 incumbent ministers. On several previous occasions the Prime Minister's nominees to fill ministerial vacancies were rejected. Rejection of bills and officials by the Majles is accepted by the executive branch.

The Constitution provides for a Council of Guardians composed of 12 members, 6 clerics unilaterally appointed by Khomeini, and 6 lay members well-grounded in Islamic law who are nominated by the head of the Judicial Council subject to the Majles' approval. The Council of Guardians must certify all bills passed by the Majles as being in accordance with Islamic law and the Constitution. If bills fail to be certified, they are sent back to the Majles for revision. They cannot become law until passed by the Majles and certified by the Council. The Council has rejected various important bills and portions of bills passed by the Majles, including legislation on land reform, foreign trade, private enterprise, the press code, and reform of the civil code.

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

The regime in Iran is disdainful of foreign human rights groups, government-sponsored or independent. A team of experts appointed by the U.N. Secretary General investigated conditions in prisoner-of-war (POW) camps in Iran and Iraq in January. There have been no other visits by any humanitarian group in recent years aside from the International Committee of the Red Cross (ICRC), which has also visited Iraqi POW's and has assisted in several small-scale POW exchanges between Iran and Iraq. There are no internal human rights groups. At its 1984 and 1985 sessions, the U.N. Human Rights Commission voted to appoint a special rapporteur on the human rights situation in Iran. The Government has refused to allow him entry to prepare his reports.

The ICRC has had access to some POW's, but not to all of those believed held in Iran. In a special appeal to the Permanent Representatives to the United Nations in Geneva in November 1984, President Hay of the ICRC stated that "...the repeated and systematic nature of the Iranian violations of the Third Geneva Convention is so serious that the ICRC feels that if it did not have recourse to this exceptional measure, it would jeopardize by its silence not only the lives of tens of

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thousands of men, but also the very future of humanitarian law." The U.N. Secretary General's report issued in February criticized conditions in prison camps in both Iran and Iraq.

Iran was the subject of a critical paragraph in the 1985 report of the International Labor Organization's Committee on the Application of Conventions and Recommendations. Focusing on the treatment of Baha'is and others, the committee expressed concern over Iran's continued failure to comply with the Convention on Discrimination in Occupation and called upon the Government to ensure a policy consistent with the convention.

Amnesty International has written to Iranian officials, including Khomeini, protesting violations of human rights in Iran, but has received no reply. In its 1985 Report, Amnesty International expressed concern over the large number of executions, allegations of torture and other forms of ill-treatment of prisoners, the imprisonment of prisoners of conscience, denial of fair trial to political prisoners, and religious persecution, particularly of Baha'is. Freedom House rates Iran "partly free" and explains this upgrading of its rating previous to 1984 in terms of the improvement in the electoral and parliamentary processes and in the right to privacy.

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

There are no reliable statistics for the postrevolutionary period. The following World Bank economic and social indicators should be taken as rough estimates based in large part on statistics from the mid-1970's. In 1985, the population was about 45.2 million with a population growth rate of 3.1 percent. The gross national product (GNP) in 1982 was estimated at \$66.3 billion, \$1,620 per capita. This represents a sharp drop from the 1977 GNP of \$77.8 billion and per capita GNP of \$2,160, particularly when inflation is taken into account. The economy improved modestly in 1983 but stagnated in 1984 and declined in 1985.

Nearly all export income comes from petroleum. Oil exports averaged about 1.6 million barrels per day for most of 1985, approximately the same as in 1984 but significantly below the average of 1.9 million barrels per day in 1983. This amount was sufficient, in combination with a major drawdown of foreign currency reserves, to permit the import of food and other essential civilian items and of enough war materiel to maintain the war against Iraq. Acute and worsening shortages of foreign exchange nevertheless prevented adequate imports of industrial raw materials, machinery, and spare parts and contributed to a decline in industrial production, already at less than half the prerevolutionary level. Luxury items are often difficult to find, and there are still shortages of essential items, but most items are available, at inflated prices, on the black market. Support for the regime comes mainly from the urban lower classes, and the Government has attempted to see that the basic needs of this group are met. While all classes have suffered from electricity and water shortages in the cities, economic problems have been more severe for the middle- and upper-income groups who formerly enjoyed lives of comparative luxury.

The Iranian labor law, which exempts agriculture, domestic service, family businesses, and, to some extent, other small

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businesses, forbids employment of minors under 12 years and places special restrictions on the employment of minors under 18 and of women. Under the law, women and minors may not be used for hard labor or, in general, for night work. The labor law also establishes a 6-day work week of 48 hours maximum (except for overtime at premium rates), with 1 day of rest (normally Friday) per week as well as at least 12 days per year of leave with pay and a number of paid public holidays. Legal provisions have also been made for minimum wages and regarding health and safety in workplaces. Given the large segments of the economy exempted from the labor law, the State's still unresolved administrative disorganization resulting from the revolution, the effects of the war with Iraq, and the general lack of labor unions which are both legal and effective, it is unclear to what extent the provisions of Iran's labor law actually affect most of the labor force. Despite the war, unemployment is high, probably in the 30 percent range.

Life expectancy at birth is 61.1 years, and the infant death rate is 112 per 1,000 live births. The adult literacy rate was 36.2 percent in 1976. The primary school enrollment ratio in 1982 was 81.3 percent (93.7 per cent for boys but only 68.3 percent for girls). Universities were closed in 1980-81 but have reopened, with attendance reportedly at record levels in 1985.

Ultraconservative dress, entirely hiding the hair and all of the body except the face and hands, is now an absolute requirement for all women, regardless of their religion, national origin, citizenship, or diplomatic status. Women are harassed, detained, or physically attacked if they appear in public in clothing which official or self-appointed guardians of public morality deem insufficiently modest. Harassment of women intensified in Tehran during two weeks of demonstrations in April by radical supporters of the regime demanding stricter enforcement of the Islamic dress requirements. The President, reacting to spreading violence, ordered the demonstrations to cease. Employment opportunities for women are more restricted than was the case under the Shah. Women are legally barred from being judges. Although there are cultural barriers making employment in professional level positions difficult to obtain, women do work as lawyers, physicians, and statisticians, and in other professions in both the public and private sectors. Four women serve as deputies in the Majles.

The Family Protection Act, passed under the Shah, was revoked by the Islamic Government and replaced by a civil code reflecting Islamic law. A bill passed in mid-1983 did, however, give women the right to divorce their husbands, and regulations announced in 1984 substantially broadened, to 12, the number of grounds for which a woman may seek divorce. A husband may still obtain a divorce without having to state a reason or go to court. The new marriage regulations provide for improved financial settlements for wives whose husbands divorce them.

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Iraq is governed by the Arab Ba'ath Socialist Party (ABSP) of Iraq through a Revolutionary Command Council (RCC) which has both executive and legislative authority under the provisional Constitution of 1968. Saddam Hussein holds decisive power as President of the Republic, Chairman of the Council, and Secretary-General of the Regional Command of the AESP.

Iraq contains many disparate groups, most notably Shi'a and Sunni Arab Muslims, Kurds, Turcomans, and various Christian sects, predominantly Assyrians and Chaldeans.

In 1985 the war with Iran continued into its sixth year. A major Iranian offensive in March severely tested the Iraqi southern defenses before being defeated. Iran continues to reject Iraqi and international calls for a cease-fire, and to use both military action and terrorism in efforts to overthrow Iraq's secular political system. Tight domestic controls imposed by the Iraqi regime in the name of national security remain in effect, including a decree which prescribes the death penalty for anyone who damages the country's military, political, or economic position. Wartime travel restrictions, which prevent most Iraqis from departing the country, also remained in force. Iranian prisoners of war (POWs) in Iraq are estimated at approximately 10,000. Most are believed to be registered with the International Committee of the Red Cross (ICRC), which visits the camps. In the past, POWs in Iraq were believed to have faced instances of physical mistreatment and inadequate diet, but the ICRC reported that treatment in 1985 was improved.

The Ba'ath Party's ideological commitment to increased social, labor, and educational opportunities for women and to the protection of religious minorities continues to be translated into practical action. Iraq has continued to abjure support for terrorist groups and to state its opposition to terrorism. It has said that support for the Palestinian cause does not signify that it condones actions such as the Achille Lauro hijacking. On the other hand, political and individual rights are sharply limited. The news media are subject to censorship. Antiregime activity is dealt with harshly, often by extralegal means employed by a large and feared internal security police force and the intelligence services.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

Execution has been an established method for dealing with perceived political and military opponents of the Government, particularly members of the outlawed Da'wa Party (fundamentalist Shi'a Muslim) and the Communist Party. In July 1985 Iraq confirmed to Amnesty International the execution of 16 individuals: 6 members of the banned Kurdistan Democratic Party for committing acts of sabotage, and 10 members of the prominent Hakim family for organizing an opposition political movement and suspected involvement with the Da'wa Party. There have been unconfirmed reports of the execution without trial of three members of the Iraqi Assyrian community for nationalist political activity. Members of the political elite have also been executed as a result of

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factional conflict, although no such executions are known to have occurred since 1982.

In 1983 and 1985, the military conducted aerial attacks on Kurdish villages suspected of supporting Iranian military incursions into Iraq or harboring antigovernment guerrillas, resulting in unknown numbers of casualties. From time to time there have been reports of executions of military deserters.

After the March 1985 Iranian offensive, Iran renewed charges that Iraq had used chemical weapons, allegations denied by Iraq. In March the State Department spokesman condemned Iraqi use of chemical weapons. Iraq is a party to the 1925 Geneva Protocol banning use, but not production, of lethal and incapacitating chemical weapons. There are indications that Iraq continues to stockpile lethal agents.

Iraq is believed to have withdrawn its support in 1983 from such terrorist groups as the Black June Organization led by Sabri Al-Banna, or "Abu Nidal," and the May 15 organization under Husayn Mohammed Al-Umari, or "Abu Ibrahim." Recent reports surfacing in the wake of the Achille Lauro hijacking indicate that Palestine Liberation Organization (PLO) Executive Committee Member "Abu Abbas" of the Palestinian Liberation Front presented an Iraqi diplomatic passport when detained by Italian officials. The Iraqis maintain that the passport was issued to him in recognition of his official position as a member of the PLO Executive Committee and not to facilitate the execution of terrorist acts. The Iraqis themselves were the victims of several terrorist acts in 1983, 1984, and 1985 supported by Syria and Iran.

b. Disappearance

Iraqi emigrants have reported that some suspects, particularly those detained by the security police for subversion, disappear following detention. It is difficult in such cases to ascertain whether the suspect has been executed or has died while incarcerated. In October 1983 Amnesty International submitted to Iraq the names of 114 people whose whereabouts remain unknown since their abduction between 1979 and 1982. Subsequent reports from Amnesty International indicate other instances of disappearance, among which is the alleged disappearance in 1984 of 153 Assyrians.

Antigovernment Kurds in Northern Iraq occasionally kidnap foreign workers and businessmen. Ransom demands have included money, a halt to Western economic cooperation with Iraq, and support for the release of prisoners in Iraq. Victims generally have been released following negotiations involving overseas Kurdish representatives, the victims' employers, and Iraqi security organizations.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture and prescribes stiff punishment for it, and the Government rejects charges that it practices torture. Nevertheless, reliable reports make clear that both physical and psychological torture are used by the authorities, especially the security police. Given the rigid chain of command within the Government and security services, it is unlikely that torture could be practiced without the authorization of senior officials.

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According to former prisoners, persons detained by the security police for political or security-related matters are frequently tortured and mistreated. Treatment is reported to be worst immediately following arrest and during the period of interrogation and investigation, which can last for months. Torture and brutal treatment are not limited to political cases. Security-related offenses include such routine criminal matters as currency violations.

The security forces' methods of torture, often to extract confessions or information about the suspect and his colleagues, reportedly include beatings with fists and rubber truncheons, electrical shocks to the genitals and other parts of the body, and the extraction of fingernails and toenails. A Tunisian, who was detained for 10 months by Iraqi security forces and released in 1984, alleged torture while in custody. Subsequent medical examinations in Paris under the auspices of Amnesty International concluded that the signs of physical and mental trauma were consistent with the allegations.

d. Arbitrary Arrest, Detention, or Exile

The Constitution and legal code guarantee the rights of citizens and place checks on police powers in such areas as arrest, detention, imprisonment, and search. These guarantees are generally respected in criminal cases but have little weight in political or national security cases. Security police not only make arbitrary arrests but also secretly detain suspects, whose fate sometimes has become known only after execution. Charges have included espionage, treason, and conspiracy against Iraq or the party and revolution, often in collaboration with unnamed foreign foes.

In the past, Iraq expelled large numbers of Iranians and Iraqis of supposed Iranian descent. These deportations have ceased; however, those remaining often live under the fear of deportation or incarceration. Many "Iranian" families have been in Iraq for generations. Some say their forebears were not from Iran but claimed the nationality to evade Ottoman military conscription. Citizens considered to be of Iranian origin bear special identification, often precluding desirable employment or impeding advancement.

Iranian military deserters and civilians who fled to Iraq during the war have been detained and sometimes mistreated. Most of these people reportedly came to Iraq, after long and hazardous journeys through Kurdistan, in response to Iraqi propaganda promising good treatment and easy access to third countries. In response to the decrease in such Iraqi propaganda, the numbers of new arrivals at refugee camps have lessened. There have been frequent allegations that some have been shot or beaten with rubber hoses and metal cables. Some Iranian refugees reportedly have been coerced to collaborate with Iraqi propaganda despite the danger to family members in Iran. When, after many months, these emigres are designated "political refugees," their treatment improves and outside organizations gain access to them.

In recent years Amnesty International has reported the imprisonment or detention of large numbers of Kurds. Many have been removed to resettlement camps. In a separate report of July 1985, Amnesty International reported the death while imprisoned of a member of a group of 90 males reported to have

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been in detention without charge or trial since their arrest in May 1983.

Following the replacement of the head of the general intelligence directorate in late 1983, it is believed that the number of political prisoners and arbitrary arrests declined. The Da'wa Party, a violent dissident Shi'ite Group, is still proscribed, and its members are subject to incarceration and execution, as are members of other parties believed to be cooperating with Iran.

There is no indication that Iraq uses forced labor. Apart from the expulsion of thousands of residents of Iranian descent in 1980 and earlier, exile is not resorted to as a means of punishment.

e. Denial of Fair Public Trial

Trials in civil, criminal, and religious courts are open. Defendants are entitled to counsel. A lawyer is provided if a defendant cannot afford one. Charges and evidence are available for review. Appellate courts hear cases not under the jurisdiction of the revolutionary courts. The revolutionary courts, which usually hold closed trials, deal with espionage, treason, smuggling, and drug trafficking. The right of defense in such courts reportedly is severely restricted.

The "special courts" constituted by the Revolutionary Command Council for specific incidents, such as the reported conspiracy against the regime in 1979, are also closed. These special tribunals are apparently exempt from constitutional safeguards of defendants' rights. The right of defense is proscribed; defendants are held incommunicado, and confessions extracted by torture are used against defendants. Appeals can be taken only to the Chairman of the Revolutionary Command Council. However, the availability of this appeal may be questioned, since there are reports that executions take place shortly after trial.

Political dissidence in Iraq is taken by the authorities to encompass a wide range of activities and, in an environment where no public acknowledgement is made of arrest or imprisonment, it is extremely difficult to gauge the number of political prisoners. Amnesty International received reports of "several hundred people" being detained for political reasons in 1984. Undoubtedly the practice has continued in 1985.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides protections for the inviolability of the home, and strong cultural values reinforce these protections. Police must obtain a search warrant before entering the home of a criminal suspect. Warrants are not required for the arrest of security suspects. Although most arrests occur outside the home, there have been reports of forced entry and arrest by the security police, particularly of suspected members of the outlawed Da'wa Party.

In late 1985, Iraqi government forces reportedly conducted large-scale searches of homes in at least one city in a predominantly Kurdish area and detained a number of people.

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There is no legal protection against the monitoring of telephones, which many Iraqis believe to be a common practice. Likewise, all mail is believed subject to review by censors. Government security services and the Ba'ath Party are generally assumed to maintain pervasive networks of informers.

Membership in the ruling Ba'ath Party is viewed as a key to advancement inside and outside the Government. Although the Ba'ath is an elitist party, recruitment can be aggressive. Some emigrants have claimed that they joined the party to avoid beatings or harassment or to enhance career prospects.

Certain ethnic and religious groups within Iraq traditionally reside in particular areas of the country. Kurds, for example, have strong roots in the north. The Government has sometimes tried to force changes in settlement patterns. Most relocations of Kurds took place in the mid-1970's. More recently, families and villages of the Barzani tribe were forcibly resettled following the participation by tribe leaders and members in Iran's 1983 invasion of northern Iraq. Rather than allow Iranian Kurdish refugees displaced by the war to remain in the northern mountainous terrain to which they are accustomed, the Government is holding this large population in detention camps elsewhere. One such camp, located in the desert west of Baghdad, is believed to contain up to 25,000 people. The Iraqis also provide shelter to thousands of displaced ethnic Arabs from Iran's Khuzistan Province.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Government views political dissent as a security threat, and controls exercise of the rights of speech, press, and assembly. The Constitution prohibits "any act aimed at undermining the national unity of the people, providing racial, sectarian, and regional bigotry, or violating gains and achievements of the country." Nonetheless, the use of minority languages is unrestricted. Kurdish, an official language, is used in schools and media in Kurdish areas.

The Government owns and operates the press, radio, and television. The media do not criticize the Government and news reporting is strongly biased. Opposition viewpoints are not heard. Few foreign periodicals reach Iraq, and Western newspapers are not sold. Foreign visitors' newspapers, magazines, and cassettes can be confiscated at the airport. To control the dissemination of political leaflets, typewriters and photocopying machines must be registered.

b. Freedom of Peaceful Assembly and Association

Public meetings are organized only under the auspices of the Government or Ba'ath Party. Nonreligious free association and demonstrations without government approval have met severe repression. Professional organizations are subject to control by the Ba'ath Party Central Vocational Bureau.

Union workers do not represent a significant part of the total work force, comprised mostly of agricultural workers, shopkeepers, and government employees. Industrial workers, the most unionized, are only a small portion of the work

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force. Workers are organized in the Federation of Trade Unions under the control of the Ba'ath Party Central Labor Bureau. Unions may operate only under officially approved guidelines. Elections are held for union executive councils, which in turn select officers from among the council membership. Nominees are mainly party members. The right to bargain collectively is not recognized. Workers legally have the right to strike after providing notice to the Labor Ministry, but no strikes have been reported since 1968. The unions initiate grievances, but a primary union function is to indoctrinate members with Ba'athist ideology. Union membership is a prerequisite for employment in some sectors.

c. Freedom of Religion

Iraq is an ethnically and religiously diverse society. Many non-Muslims, principally Jews and Christians, left Iraq under previous regimes. Members of religious minorities have expressed fear that they would again face persecution if Iran were to impose an Islamic regime in Baghdad. Since its rise to power in 1968, the Ba'athist Government has enforced tolerance of religious diversity, seeking to submerge religious differences in the promotion of secular nationalism.

A 1981 law gave the Ministry of Endowments and Religious Affairs the authority to promulgate laws and regulations governing places of worship, appointment of clergy, religious literature, and participation in religious councils and meetings. However, while the Government has assumed much greater authority in Islamic religious affairs since 1981, the law has not been invoked against Iraq's Christian sects. Religious leaders operate under close government supervision. Muslim leaders are considered government employees and receive their salaries through the Government. The Government administers the principal Muslim shrines and mosques and has increased allotments to refurbish and maintain them in an apparent attempt to win support from the devout.

The Shi'a, who make up roughly 55 percent of the population, historically have been economically, politically, and socially disadvantaged. The Government has a declared policy to raise their living standards and equalize opportunities for economic and professional advancement. In recent years, the Government and party have promoted Shi'a into prominent positions, and the economic and social status of the Shi'a has improved markedly. Nevertheless, the Government maintains a close watch against Iranian attempts to exploit dissatisfaction among Iraqi Shi'a, who share the same branch of Islam prevalent in Iran.

Over 500,000 Christians constitute nearly four percent of the population. Their freedom of worship in churches of established denominations is legally protected, but they are not permitted to proselytize or to hold meetings outside church premises. Convents and monasteries exist and some new churches are constructed, in some cases with government financial support. Although Christians sometimes allege discrimination in education and jobs, adherence to their religion has not prevented many from obtaining wealth and professional advancement. The Deputy Prime Minister and Foreign Minister, a Chaldean Christian, represented Iraq at the meeting in late 1984 of foreign ministers of the Organization of the Islamic Conference. Other Christians hold important official and private positions.

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The Jewish community is believed to have decreased from 150,000 following World War II to about 400. It was severely persecuted in the past, but there is no evidence of recent persecution. In 1985, a Western journalist visited the last known synagogue in Baghdad and confirmed that it is still functioning.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Iraqis are generally free to travel within the country and to change their residences or workplaces. However, they are likely to be constrained by social, cultural, and religious traditions which define the areas occupied by the various ethnic and religious groups. Sensitive border and other security areas are off-limits. Civilian travel in the war zone is restricted. Curfews are in effect where Kurdish insurgents have been active. There are police checkpoints on highways and outside major towns, but most Iraqis and foreigners travel freely in nonrestricted areas. Foreign diplomats must obtain Foreign Ministry permits for travel outside of Baghdad, which are usually granted when requested sufficiently in advance.

All Iraqis and most foreigners who have remained in the country for more than two weeks must obtain exit permission. Because of the war's drain on the economy, permission to travel abroad is restricted to a few categories of Iraqis, including officials, government-approved students, and persons needing medical treatments. The Iraqi Government seeks to limit the countries an Iraqi traveler may visit and, should the traveler visit a nonauthorized country, a small fine may be levied upon his return. Iraqis who have residences abroad may depart the country provided they originally had left before the war began. In general, a married woman must have the permission of her husband to travel abroad. The Government can require a prospective traveler to post a substantial bond to assure return. According to officials of the Higher Education Ministry, although Iraqi students abroad should get permission before accepting foreign scholarships or grants, they would not be punished upon return to Iraq for failure to have done so. If students on government scholarships abroad do not return, their families must repay the costs of the education.

There is no specific ban on emigration nor special restrictions for members of minority groups; however, emigration is discouraged. Prospective emigrants have had travel permission delayed and have been harassed. Many emigrants leave behind substantial property because of the difficulty of exporting assets. Currency exchange violations are considered national security offenses, and penalties can be severe.

Alien spouses of Iraqi citizens who have resided in Iraq for at least three years are required to become naturalized or leave Iraq. Many people, including several Americans, have thus been obliged to accept Iraqi citizenship and are therefore subject to the present travel restrictions. In March 1984 an RCC resolution reduced the residency period before naturalization to one year for the spouses of Iraqis employed at government offices. The Iraqi spouse faces penalties for noncompliance, including loss of job, a fine of approximately \$10,000, and repayment of the costs of education.

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In recent years, the Government has instituted special programs to encourage the repatriation of qualified professionals. Aliens of Iraqi origin can apply for a document permitting them to enter and exit Iraq without a visa. Former Iraqis can more easily obtain visitors' visas than other aliens, who generally must have an official sponsor.

Other persons of Iraqi origin are permitted to return, including many individuals who were admitted to other countries as refugees. A number of such people, especially Assyrian Christians, have returned on temporary visits. They are free to come and go, within the limits of the present travel restrictions, since they are not considered to have violated Iraqi laws. However, those who emigrated only after the beginning of the Iran-Iraq war, including several U.S. permanent resident aliens, have been unable to depart Iraq after returning.

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

The elitist Ba'ath Party, dominated by the President and the Party's Regional Command, rules Iraq. The Party reportedly has some 1.5 million adherents, representing about 10 percent of the population. However, only some 50,000 "active" or full members, less than 0.33 percent of the population, participate influentially in party activities. There are two other legal political parties, both Kurdish. They and the Ba'ath Party constitute the Patriotic and Progressive National Front, essentially a vehicle of support for the Government. The two non-Ba'ath parties carry on only limited activity. Members of the military or security services may engage in political activities only within the Ba'ath Party. Association with the party is not required for appointment to senior government positions or military ranks or election to the National Assembly, but normally is necessary to attain political influence. Opposition groups, including various Kurdish groups and splinter parties, are severely repressed. The Communist Party was removed from the National Front and declared illegal in 1979. In 1982 the Government amnestied Iraqi Communists both in Iraq and abroad, but the number released is unknown.

The outlawed, Iranian-supported Da'wa (Islamic Call) Party has been a major target of persecution. It has claimed violent acts against the Government in Iraq and abroad, and was implicated in the December 1983 truck bombing of the U.S. Embassy and other U.S., French, and Kuwaiti targets in Kuwait.

In 1984, general elections were held for the 250-seat National Assembly, first elected in 1980. The Government screened all the candidates for consonance with Ba'ath party ideology. Though in theory possessing a wide range of official duties, the Assembly exercises little real authority.

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

Iraq denies charges that it violates human rights. The Government acknowledges Amnesty International accusations and in a letter to Amnesty International in July 1985 confirmed approximately two-thirds of the executions Amnesty International said took place in February and March 1985. The

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Iraqi Government contends, however, that these have not been political executions but executions carried out for crimes against national security. In the past it has offered to investigate allegations of torture if the victims, interviewed outside Iraq, returned. None is known to have done so.

There is no government office or official charged with investigating human rights and coordinating with other governments and international organizations on human rights. The International Committee of the Red Cross (ICRC) delegation based in Iraq has made regular visits to Iranian prisoners of war (POWs) since 1980 and has assisted in Iraq's unilateral repatriation of some of them. Iraq has received the ICRC president and other delegates several times to discuss the treatment of POWs and the protection of civilians in the Iran-Iraq war. Although the ICRC has noted that material conditions in POW camps in Iraq have improved and that authorities have taken steps to end the random acts of brutality to which the ICRC had previously called their attention, reports still circulate of sporadic outbursts of violence against POWs in the camps. In its last published report in October 1985, covering the year 1984, the ICRC expressed concern that its representatives have been denied access to some prisoners. This situation continues. After an ICRC delegation visited Iraq in December of 1984, the ICRC gained access to prisoners who had been held since the previous spring offensive. The Iraqis apparently on occasion retard ICRC efforts to register new POWs as a means of pressuring Iran to permit access to and registration of Iraqi POWs.

Since February 1984 Iraq has cooperated with the ICRC in efforts to resettle Iranian civilian refugees in third countries. Approximately 60 such refugees had left for several host countries, including the United States, by November 1985.

In its 1985 report, Amnesty International continued to express concern about widespread arbitrary arrest of suspected opponents of the Government and their prolonged detention without charge or trial; disappearances; continued detention of civilians without legal proceedings in POW camps, apparently because of their ethnic origin; routine torture of detainees during interrogation and ill-treatment and detention of their families allegedly to exert pressure to cooperate during interrogation; and a large number of executions, mostly for political crimes. Freedom House calls Iraq "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Iraq's population is estimated at just over 15 million, and its growth rate at about 3.2 percent. Per capita gross national product (GNP) almost quintupled during the 1970's, rising from \$630 in 1970 to \$3,021 in 1980. Much of this increase, however, represented a pro rata share of accumulated foreign exchange reserves resulting from higher oil prices. When oil earnings were cut sharply after the outbreak of war, per capita GNP declined dramatically to \$1,742 in 1981. Per capita GNP probably has increased in nominal terms since then, largely as a result of price inflation and an artificially high exchange rate.

The Government exerts a high level of control over the economy. The State owns all major industries, including

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petroleum and banking. However, the small private sector is important in some industries. The regime has been expanding the role of the private sector in the last couple of years, particularly in agriculture.

During the first two years of the war, the Government largely isolated the people from the war's economic impact by pursuing an ambitious development program. However, the loss of Iraq's offshore export terminals and closure of its oil pipeline through Syria cut oil exports from a prewar high of 3.2 million barrels to around 650,000 barrels per day. By late 1982 Iraq's foreign exchange reserves were nearly exhausted. The Government instituted a strict austerity program and slashed civilian imports, putting Iraq on a sounder financial footing but reducing the availability of consumer goods and the varieties of food.

Petroleum accounts for 95 percent of Iraq's export revenues, and the Government has given high priority to the restoration of oil export capacity. An expansion of the Turkish pipeline completed in 1984 increased oil exports to approximately 1 million barrels per day. The October 1985 opening of the spur line to the Saudi east-west pipeline offered a potential further increase of 500,000 barrels per day but output so far has been somewhat less. Work is continuing on a new, second pipeline through Turkey which will offer an additional 1 million barrels per day export capacity.

The feudal system of land ownership came to an end with the overthrow of the monarchy. In April 1981, President Hussein abandoned a program to impose collective farms on the East European model and returned land to private ownership.

Heavy migration from rural areas has resulted in substandard urban living conditions. Large-scale public housing projects are under construction. Subsidies and controls keep the prices affordable for most food staples, utilities, and transportation while other prices are rising.

Health care is free or provided at nominal cost. From 1968 to 1980 government programs boosted the number of medical workers from 9,000 to over 40,000, and increased medical training institutions from 3 to 65. In 1980, there was 1 doctor for every 3,000 people. Serious shortages of qualified medical workers remain; recent government decrees have offered increased benefits to men and women entering nursing. Moreover, a 1985 law decreed that all female secondary school and college graduates who seek government employment must first work as a nurse for one year.

Education is free through the university level. The Government offers scholarships for advanced study abroad. The number of students studying abroad has decreased during the war. In the last 10 years, enrollment in primary and secondary schools has more than doubled, with female enrollment largely responsible for the rise. The number of students in vocational schools and universities has increased markedly. According to the Government, implementation of the 1977 Anti-illiteracy Law has raised the literacy rate to 70 percent. As of 1985, over 1,700,000 Iraqis had graduated from literary centers.

Children are frequently encouraged to work as necessary to support the family, an acceptable social practice in the

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Middle East. The employment of children is forbidden in state-run enterprises or other than small-scale family enterprises. The urban work week is 6 days a week, 6 to 7 hours a day for government workers; on Friday all but private vendors are closed. Wages are set by the Government for public sector workers (i.e., the bulk of the employed) and do not adhere to any fixed per hour or per day rate; salaries are generally deemed low but adequate. Wages in the small private sector are set solely by supply and demand. Occupational safety programs are in effect in state-run enterprises and inspectors make irregular visits to private establishments; enforcement varies widely.

The Ba'ath Party has been committed to the equality of the sexes, and a series of laws since it came to power in 1968 has steadily improved the status of women. Such laws have protected women from exploitation in the workplace; granted subsidized maternity leave; permitted women to join the regular army, Popular Army, and police forces; and equalized women's rights on divorce, land ownership, taxation, suffrage, and election to the National Assembly. In the 1970s, the Government imposed legal penalties on families that opposed sending their women to literacy schools, and on men who were seen harassing women.

The percentage of female students among students in elementary schools climbed from 37.4 percent in 1977-78 to 46.4 percent in 1982-3. Secondary school female enrollment went from 29.2 to 34.5 percent in the same period. About 32 percent of the students at universities and technical institutes are female.

Women represent about 47 percent of agricultural workers and about 25 percent of the total work force. By 1977, women were reported to comprise 39 percent of teachers, 31 percent of doctors, 30 percent of chemists, 25 percent of physicists, 15 percent of accountants, 15 percent of civil servants, and 11 percent of factory workers. The war has accelerated the Government's drive to elevate the status of women, and some Iraqis believe that it has permanently broken cultural barriers to the acceptance of women in traditional male roles. Women have become increasingly visible as architects, construction engineers, oil engineers, air traffic controllers, factory and farm managers, and Air Force pilots. Some 40,000 women reportedly were volunteers in the Popular Army in 1982.

The General Federation of Iraqi Women (GFIW) was established in 1969, the regime's first year in power, to promote the Government's policies towards women. Membership in the GFIW does not require affiliation with the Ba'ath Party. The GFIW organizes conferences on women's issues, establishes training courses for women, implements programs to eradicate illiteracy, undertakes civilian war relief activities, and administers nurseries. It drew up a four-year plan (1983-86) to encourage women to work outside the home and has opened four employment offices in Baghdad for women graduates.

ISRAEL AND THE OCCUPIED TERRITORIES*

Israel is a parliamentary democracy which guarantees by law and reflects in practice the civil, political, and religious rights of its citizens. It has free elections, a multiparty political system, an independent judiciary, and an elected legislature (the Knesset) which may restrict the government by legislation and can bring it down by a vote of no confidence. There is no constitution; a series of basic laws define the responsibilities of government institutions. Emergency regulations, associated with the state of emergency in force since the founding of the state in 1948, are still in effect.

In 1979, as provided in the Camp David Accords, Egypt and Israel signed a peace treaty ending the formal state of war which had existed between them since 1948. Israel and its other Arab neighbors continue to be in a formal state of war. Pursuant to the Egypt-Israel treaty, Israel returned the Sinai Peninsula to Egypt over a 3-year period. Israel continues to occupy other territories (the Golan Heights, Gaza Strip, the West Bank, and the eastern sector of Jerusalem) captured in the 1967 war. In early 1985, Israel withdrew the bulk of its troops from southern Lebanon, where they had been since the 1982 war, but it still maintains a residual presence and continues to support a local militia, the "Army of South Lebanon."

Many Israelis doubt that other Arab states are prepared to accept Israel's right to exist on the basis of U.N. Security Council Resolutions 242 and 338. Terrorist incidents within Israel and the absence of peace treaties between Israel and its other Arab neighbors make security a dominant concern which affects many facets of Israel's national life.

Approximately 16 percent of the population of Israel are Arabs who do not share the Zionist principles upon which the state was founded. Some Jewish communities in Israel also reject Zionism.

Israel enjoys a relatively high standard of living. It has a market economy with substantial governmental participation and subsidized prices for basic commodities. Israeli economic policy has been oriented toward social welfare. In recent years, Israel has experienced increasing balance of payments deficits, rising foreign debt, triple-digit inflation, and a declining level of foreign exchange reserves. A new economic program, initiated at mid-year, is designed to reduce the level of inflation and improve Israel's international financial position.

Israeli society is characterized by its openness and by its wide-ranging and lively public debate of all issues of popular concern. Police and internal security functions are under the control of Cabinet ministers who must answer to the Knesset concerning the actions of personnel for whom they are responsible and whose performance is subject to the scrutiny of a vigorous free press.

*Because of the sharply differing sociopolitical environments in Israel and in the Arab territories which Israel has occupied since the 1967 war, the respective human rights situations are treated in separate but parallel fashion. The report on the occupied territories follows the report for Israel.

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As in the past, the most significant human rights problems for Israel in 1985 derived from the strained relations between the Israeli authorities and the Arab inhabitants of the occupied territories. These problems were exacerbated by attacks against Israelis in those areas and by acts of violence by Jewish settlers. During the year, Israeli leaders, including President Herzog and Prime Minister Peres, expressed concern over the growth of extreme views and violent actions and their effects on Israeli society.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There is no indication that political killing is sanctioned by Israeli authorities.

In 1985, terrorists killed and injured a number of Israelis and residents of territories under Israeli occupation. Despite the Israeli authorities' strong efforts to preempt terrorist attacks and to bring the perpetrators to justice, the number of terrorist incidents increased by 40 percent in the first 10 months, according to the Police Minister. The Minister ascribed 50 percent of these incidents to individuals not linked to any organization.

In 1985 the Justice Ministry concluded its investigation of the deaths of two Palestinian terrorists who died during interrogation in the immediate aftermath of a bus hijacking in 1984. The Ministry reiterated the findings of an earlier commission of inquiry that the two had died under interrogation and recommended that the area military commander, who had been present during the questioning, be brought to trial. A military court subsequently cleared him of direct responsibility for the deaths. The case of the two soldiers involved has not yet been resolved.

b. Disappearance

There were no reports of disappearances.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Such practices are prohibited. Evidence or confessions obtained under duress are inadmissible in court, and the administrative codes of conduct of the prison and police authorities contain stringent sanctions against the use of force or brutality. Police officers accused of brutality or violence against prisoners or suspects may be prosecuted either in administrative courts for violation of the code of conduct or in regular criminal courts for criminal assault. Acute overcrowding remains a problem in Israeli prisons.

d. Arbitrary Arrest, Detention, or Exile

Israeli law provides strong guarantees against arbitrary arrest or imprisonment. Writs of habeas corpus and other procedural and substantive safeguards are available. Defendants are considered innocent until proven guilty.

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Administrative detention may be employed in security-related cases when it is determined to the satisfaction of a judge that formally charging a person would compromise sensitive sources of evidence. Any individual under administrative detention is entitled to representation by counsel and must be brought before the president of the appropriate district court within 48 hours of being taken into custody. Upon application of the Defense Minister to a district court, the right to representation by counsel may be delayed from 48 hours to 7 days in most instances and up to 15 days in terrorist-related cases. Each case of administrative detention must be submitted to judicial review at least every 3 months thereafter for the entire period of detention. The decision of the president of the district court can be appealed to the Supreme Court.

Israel does not accord prisoner-of-war status under the Third Geneva Convention to prisoners captured during and after the Lebanese conflict who were not members of the armed forces of another country. Israel has maintained, however, that such detainees are treated in accordance with the provisions of the Fourth Geneva Convention in all matters relating to the guarantee of humane treatment and conditions of internment. It has stated that under the Fourth Geneva Convention it has the right to intern persons who constitute a danger to the security of the occupying power.

The Israeli Supreme Court confirmed in 1984 the applicability of the Fourth Convention in Lebanon but held that, for security reasons, Israel was permitted to deny the detainees access to family members and legal counsel.

In the course of the Israeli withdrawal from Lebanon more than 1,200 prisoners brought back from Lebanon were incarcerated at the Atlit camp as security risks in violation of the Fourth Geneva Convention which prohibits forcible transfers of protected persons from occupied territory to the territory of the occupying power. The Atlit prisoners were held incommunicado until Israel responded to international urging and allowed occasional visits by the International Committee of the Red Cross (ICRC). They were released in phases, the last group on September 10, 1985.

On May 21, 1985, under the auspices of the ICRC, Israel released 1,150 prisoners, including 879 who had been convicted of security offenses and 150 Atlit detainees, in exchange for 3 Israeli military personnel who had been captured in Lebanon. About 400 were released in the occupied territories.

There is no forced labor.

e. Denial of Fair Public Trial

The right of a hearing by an impartial tribunal with representation by counsel is guaranteed by law. The judiciary is independent and effectively insulated from political interference. With the exception of security cases, which may be tried by military courts, all trials are open. In security cases, Israeli law provides that part or all of a trial may be closed, with the burden of justifying nonpublic proceedings falling on the prosecution. Counsel is present during closed proceedings. In security cases, the law also provides for possible restriction on the choice of defense counsel, but there were no known cases in 1985 in which this provision was invoked.

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f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Privacy of the individual and the sanctity of homelife and correspondence are fully protected. There are effective legal safeguards against arbitrary invasion of the home.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Freedom of speech and press, limited by security-based censorship provisions, are basic rights in Israel. These rights are protected by law and the judiciary and are broadly exercised by citizens and individuals and by an independent and vigorous press, which expresses a wide variety of political opinion.

Media censorship is based on British Mandatory emergency regulations, according to which the censor may prohibit the publication of material which, in his opinion, will harm the defense of Israel, the public safety, or public order. Censorship decisions may be appealed through the judiciary. In practice, censorship of the media is usually limited to military security matters, and journalists generally know which security-related areas are off-limits to publication. Licenses to publish newspapers are required and normally are routinely issued.

Israeli radio and television are run by the Independent Israel Broadcast Authority (IBA). The Government helps to fund the IBA and appoints its governing board but has almost no control over programming. The independence of the IBA is protected by law, subject to the censorship provisions. Radio and television programs are in Arabic as well as in Hebrew.

Movies and theater are subject to censorship if deemed pornographic or otherwise offensive to religious or social mores or likely to create a disturbance of public order. Censorship board decisions can be appealed in the courts.

Possession and distribution of literature considered hostile to the State and issued by illegal Palestinian organizations are punishable offenses.

Israeli law forbids public manifestations of support for organizations defined by the State as terrorist in nature. Proscribed acts include flying the Palestinian flag or displaying its colors, displaying Palestinian nationalist slogans, and publicly expressing support for the Palestine Liberation Organization (PLO). In June 1985, four Israeli Arabs received prison terms of 3 to 6 months for displaying Palestinian flags during a rally in September 1982 protesting the massacre of Palestinians in the Sabra and Shatila refugee camps in Beirut.

b. Freedom of Peaceful Assembly and Association

These are basic rights in Israel, protected, along with the right to demonstrate, by law and rulings of the courts. In the case of political rallies and outdoor meetings beyond an established size, permits are required and routinely granted. Existing laws prohibit contact, deemed harmful to the State, with the PLO, its subdivisions, and non-PLO organizations

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classified as terrorist groups. Pending legislation would further restrict such contacts. Legislation is also pending which, if passed, would ban "racist" political parties.

Israel has a free and democratic labor movement, which plays an important role in the social, economic, and political life of the country. Israel's most powerful labor organization, the General Federation of Labor (Histadrut), and its affiliates operate the largest national health insurance program and seven retirement pension systems, as well as a number of large industrial enterprises. Over 85 percent of the working population are Histadrut members. The membership includes 60 percent of the adult Israeli Arab population. Israeli workers, including those in the public sector, make frequent use of the right to strike. Histadrut has traditionally been active in the international field; it runs a large labor assistance program and is active in a number of international labor organizations.

Israel's labor laws are modern and comprehensive; they reflect the social democratic values of Israel's founding fathers and the conditions of employment negotiated by Histadrut over many years. The Collective Agreements Law of 1957 governs trade union representation and collective bargaining.

c. Freedom of Religion

Israel was founded as a Jewish State in which all citizens are guaranteed freedom of religion by law. Muslims, Christians, Druze, and other minority religious groups make up about 17 percent of the population. The prevailing interpretation of the Jewish nature of the State has been secular rather than religious. The Law of Return of 1950, which abolished all restrictions on Jewish immigration, and the Citizenship Law of 1952, which granted every Jew the right to citizenship upon arrival in Israel, confer an advantage on Jews in matters of immigration and citizenship.

All religious groups may maintain contacts with their coreligionists outside Israel. Foreign clergy are permitted to live in Israel to minister to their coreligionists. Several thousand Israeli Muslims make the pilgrimage to Mecca each year. There is no operating Islamic seminary in Israel. Muslims may obtain such training in institutions in East Jerusalem, the West Bank, Gaza, or Egypt. The International Center of the Baha'i religion is located in Haifa.

Israel has retained the Ottoman millet system under which each religious community is governed in matters of personal status by its own religious law and not by civil law. This feature of Israeli law gives each religious community freedom to observe its own customs and religion within the area where the millet system applies, but sometimes fails to protect the rights of individuals who do not follow the dominant tradition within their religious community. These difficulties do not normally arise in religious worship but do occur in areas such as marriage, legitimacy, inheritance, or conversion. In some religious communities, the rights of women are limited.

The Government was not a party to the dispute between Ethiopian Jews, who arrived in Israel from 1983 through 1985, and Jewish religious authorities. The Ethiopian Jews protested a ruling by the Chief Rabbinate which would have required them to undergo ritual immersion before being

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considered Jews for purposes of those aspects of civil law (e.g., marriage and divorce) administered by the Rabbinate. The Prime Minister and Absorption Minister offered their services as mediators at various stages of the dispute. It was agreed that eligibility for ritual marriage will be reviewed on a case-by-case basis by Rabbinical authorities.

A law enacted in 1977 prohibits the offering and receipt of material benefits as inducements to religious conversion. In 1979, the Justice Minister stated that the law is not intended to restrict the religious freedom of any community or to impede any community from the pursuit of normal educational or philanthropic activities. The Attorney General has ordered that no action be taken under the law without his express permission, and the law has not been employed. It nevertheless continues to cause uneasiness among some Christian groups. Persons considered to be missionaries and purporting to belong to missionary groups have been subjected to physical attacks by private individuals and in some cases harassment by Jewish religious groups. The police have been active in protecting missionary groups. The Ministry of Religious Affairs cooperates with and gives financial support to a variety of interfaith groups which seek to promote understanding between members of different religious groups.

In the summer of 1985 some Jewish groups began to oppose publicly plans by Brigham Young University, a U.S. Mormon institution, to build a study center and expand its educational operations on Mt. Scopus. The civil authorities decided to abide by their earlier decision to allow the expansion, although an interministerial committee has been formed to review the issue.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Israeli citizens enjoy freedom of movement within the country and are free to travel abroad or to emigrate, subject to government review to determine whether military service-related obligations have been satisfied. Emergency regulations, however, provide that Israeli citizens, by military order, may be confined to their neighborhoods or villages or barred from traveling to the occupied territories. Restrictions of this nature have been applied most often to Israeli Arabs. Restrictions on travel of an Arab Anglican priest to the occupied territories, imposed in 1984, were extended by the northern military commander through January of 1986.

There are general restrictions on travel by all residents to security zones along the borders, areas around certain military bases, and areas closed for military exercises.

Since 1948 Israel has taken in over a million Jewish refugees, principally from the Middle East, North Africa, and the Soviet Union and has worked toward integrating them into its society and economy. From 1983 through 1985, the Absorption Ministry has settled some 7,000-8,000 Ethiopian Jewish immigrants. The flow of immigrants from other countries also continued in 1985. United Nations General Assembly Resolution 194 of December 11, 1948, calls upon Israel to permit Arab refugees who left their homes in the 1947-48 fighting to return if they are willing to live in peace, or to be compensated for their losses if they choose not to return. Israel has not

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recognized the validity of this resolution, pointing out the losses to its own citizens who fled Arab states; it did, however, take back some refugees under the principle of family reunification and has, on occasion, indicated willingness to accept some refugees in the context of a final peace settlement.

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

Israel is a parliamentary democracy with a multiparty system. All adult Israeli citizens have the right to vote for candidates of their choice and to participate in the political process.

The Israeli Arab community is proportionally underrepresented in the Knesset (Parliament); 16 percent of Israel's total population is Arab, but only 7 of 120 Knesset members are Arab. This may be due, in part, to poor political organization within the Arab community. Israeli Arabs are included in the parliamentary election lists of several of the Zionist parties, the non-Zionist Israeli Communist Party, and the Progressive List for Peace.

Israeli Arabs actively participate in local (municipal) elections, and Israeli Arab municipal councils serve in Arab towns throughout Israel. These municipal councils freely participate in Israeli regional councils. Complaints of lack of budget parity between Israeli-Arab and Jewish municipalities of equal size have been documented, but these differences also may be the result in part of poor political organization rather than active discrimination.

Women participate freely in the political process and account for more than 40 percent of the political party membership. Ten members of the Knesset and two of the judges of the Supreme Court are women. There are no women in the 25-member Cabinet. One woman is currently serving as a Deputy Minister.

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

The Government maintains an office of human rights in the Foreign Affairs Ministry, and several human rights groups in Israel work for the protection of individual liberties and women's rights. Private Israeli groups, such as the Israeli League for Human and Civil Rights, the Association for Civil Rights in Israel, and Peace Now, freely criticize Israeli government actions in Israel, the occupied territories, and Lebanon. They issue statements and reports, hold press conferences, and organize demonstrations without governmental interference.

The Government permits visits to Israel by representatives of private international human rights groups, as well as the United Nations Economic and Social Council, the World Health Organization, and the International Labor Organization. The Government has generally permitted the ICRC to visit Palestinian prisoners taken in Lebanon and the occupied territories. The Government also investigates and replies to inquiries by organizations such as Amnesty International.

Amnesty International, in its 1985 report on Israel and the occupied territories, expressed particular concern regarding due

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process and the treatment of prisoners. Freedom House considers Israel "free"; it characterizes the occupied territories as "partly free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The population of Israel is about 4.28 million and is increasing by about 1.9 percent annually. After a decline in per capita gross national product (GNP) in 1984 to \$5,022 (constant 1980 dollars) from the previous year, GNP increased in 1985 to \$5,122.

Israel historically has run a balance of payments deficit in order to provide the resources to absorb large-scale immigration in the early years of statehood, maintain a high defense capability, and raise the general standard of living. Substantial financial assistance from abroad, public and private, has helped Israel cover the payments gap.

After facing record inflation of nearly 500 percent in 1984, the Government initiated a new economic program on July 1, 1985, which was designed to reduce the level of inflation and to improve its deteriorating balance of payments situation. Inflation will be closer to 200 percent for all of 1985, and less than 40 percent for the last 6 months of the year. The balance of payments is improving slowly. Outside factors, including U.S. assistance on an all-grant basis and the recent decline of the dollar vis-a-vis European currencies, have assisted the Israeli economy.

Budget cuts have reduced both consumer and export subsidies and had a negative impact on health, education, and social services. Since the implementation of the new economic program, there has been real wage erosion and a substantial increase in unemployment (projected at 8.5 percent for the end of 1985). State education in either secular or religious schools is compulsory for all Israeli citizens through age 15. The primary school enrollment ratio is about 97 percent and the literacy rate about 89 percent. The parallel education systems in Israel for Jews and Arabs, conducted in Hebrew and Arabic respectively, show a disparity in quality, with greater resources per student going into the Jewish system.

Israel has an advanced health care system with a high doctor-to-patient ratio. Life expectancy is 74 years, and the infant mortality rate is 13.1 per 1,000 live births. According to the Israeli Health Ministry's National Committee for Drinking Water Standards, the quality of drinking water is poor and the incidence of disease connected with pollutants in water is significantly higher than in Europe or the United States. The Committee is recommending new standards to improve water quality.

Title to 93 percent of the land in Israel is claimed by the State or quasi-public organizations in trust for the Jewish people. According to law, anyone may purchase the remaining seven percent of privately-owned land through ordinary commercial transactions. In practice, little privately-owned land is ever on the market.

The Collective Agreements Law of 1957 empowers the Labor Minister to extend the provisions of collective agreements, including the minimum wage in the agreement between Histadrut and the Manufacturers Association, to workers not otherwise covered by collective agreements. The Youth Labor law of 1955 prohibits the employment of children under the age of 15 and

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regulates employment of youths under the age of 18. The Labor Inspection Law of 1954 provides a labor inspection service to enforce health and safety standards in the workplace.

Women's rights in Israel are protected by law as well as by governmental and private organizations. The Equal Opportunity Law forbids discrimination on account of sex or marital or parental status, and employers are legally bound to pay female workers a wage equal to that paid male workers for the same or generally similar work. Laws and regulations also provide for protection of the rights of female employees with respect to pregnancy and childbirth. The Government includes a senior adviser on the status of women. The Civil Service Commission and several government ministries have officers responsible for promoting fair treatment for women. A number of nongovernmental women's organizations also work to advance the status of women, ensure equal opportunity in all fields, and other family services such as child care for working mothers. The senior adviser on the status of women has publicly criticized as discriminatory the provision in many labor agreements that women, but not men, must retire at age 60.

Over 40 percent of university graduates are women, as are 39 percent of the work force. Fifty-two percent of Israeli civil service employees are women, but they appear to be disadvantaged at the higher levels of the Government. Women account for approximately two-thirds of the instructors employed in the educational system but they occupy only about one-fifth of the senior positions of the professional grade of the career civil service. Women are well represented in professional and technical jobs in the media, and work in a broad range of nongovernment professions and other occupations. Women are drafted into the army for service in noncombat units.

The Israeli Arab minority has equal rights under the law in most respects, and Israeli Arabs have made substantial educational and material progress since the founding of the State. Some have risen to responsible positions in the civil service, generally in the Arab departments of government ministries.

Israeli Arabs, however, are relatively powerless and tend to feel alienated. Despite some governmental and private efforts to bridge the gap, there is little social interaction with Israeli Jews. Israeli Arabs assert that they are denied equal access to education, housing, and other services, and that they are discriminated against in such areas as employment and appointment to government positions. Government grants to Arab local councils represent a smaller percentage of the councils' budgets than is the case for grants to Jewish municipalities.

While Arabs make up about 16 percent of the population of Israel, less than 2 percent of the persons in senior government positions are Arabs, less than 3 percent of Israeli judges are Arabs, and no large bank, industrial enterprise, or agricultural undertaking in Israel is headed by an Israeli Arab. Israeli Arabs make up 3 percent of university students and less than 1 percent of the academic positions in the universities.

Druze and Circassians are subject to Israel's military draft, and some Bedouin serve voluntarily in special units. Most Muslims and Christians have not been permitted to serve and therefore are disqualified from many economic and social benefits which require military service as a precondition.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: ISRAEL

	1983	1984	1985

I.ECON. ASSIST.-TOTAL... ⁰⁸	785.0	910.0	1950.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	785.0	910.0	1950.1
A.AID	735.0	910.0	1950.1
LOANS.....	0.0	0.0	0.0
GRANTS.....	785.0	910.0	1950.1
(SEC.SUPP.ASSIST.)...	785.0	910.0	1950.1
B.FOOD FOR PEACE.....	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN \$-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.0	0.0	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.0	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL... 1700.0	1700.0	1400.0	
LOANS.....	950.0	850.0	0.0
GRANTS.....	750.0	850.0	1400.0
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING...	950.0	850.0	0.0
C.INTL MIL.ED.TRNG...	0.0	0.0	0.0
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	750.0	850.0	1400.0
III.TOTAL ECON. & MIL... 2485.0	2610.0	3350.1	
LOANS.....	950.0	850.0	0.0
GRANTS.....	1535.0	1760.0	3350.1

OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0

ASSISTANCE FROM INTERNATIONAL AGENCIES			
	1983	1984	1985
			1946-85

TOTAL.....	0.0	0.0	20.0
IBRD.....	0.0	0.0	0.0
IFC.....	0.0	0.0	0.0
IDA.....	0.0	0.0	0.0
IOB.....	0.0	0.0	0.0
ADB.....	0.0	0.0	0.0
AFOB.....	0.0	0.0	0.0
UNDP.....	0.0	0.0	0.0
OTHER-UN.....	0.0	0.0	0.0
EEC.....	0.0	0.0	0.0

THE OCCUPIED TERRITORIES

The territories which Israel has occupied since 1967 consist of the West Bank, East Jerusalem, the Golan Heights, and the Gaza Strip. The West Bank and Gaza remain under military government. Israel regards East Jerusalem and the Golan Heights as subject to Israeli law, jurisdiction, and administration.

The United States holds the view that Israel's presence in all these territories is that of an occupying power. The United States regards Israel's administration as subject to the Hague regulations of 1907 and the 1949 Fourth Geneva Convention concerning the protection of civilian populations under military occupation.

Israel declares that the Fourth Geneva Convention does not apply to the West Bank and Gaza, but that it voluntarily observes most of the Convention's provisions in these areas. Major differences have arisen in regard to the applicability of these provisions in East Jerusalem and the Golan Heights, the introduction of civilian settlers, and the use of collective punishment. Israel declares that it enforces Jordanian law in the West Bank and British Mandatory regulations in the Gaza Strip. In addition, Israel has issued over 1,000 military orders altering or overriding portions of these laws and uses some British Mandatory ordinances and Ottoman Empire laws on the West Bank.

The complex human rights situation in the occupied territories is largely the result of the fact that since the 1967 war and in the absence of a peace settlement, the territories remain under military administration and there is friction between occupation authorities and the Palestinian population which opposes Israeli control. Among the symptoms of friction are active resistance to the occupation, including episodes of violence, sometimes encouraged by outside extremist groups. Friction also arises from security measures taken by Israel to counteract terrorist acts and threats of terrorism, and to counter other kinds of activities which the Israeli authorities assert endanger security. Another cause of friction is the introduction of civilian Israeli settlers, although settlement activity has slowed. Establishment of new settlements was limited to six by the National Unity Government agreement in late 1984. In 1985 three of these were officially dedicated, one in the Golan Heights and two in the West Bank. Frictions are exacerbated by some Israeli political elements who advocate annexation or permanent Israeli control of the territories as well as by the refusal of the principal Palestinian organizations to recognize the State of Israel.

Israel implements its policy in the West Bank and Gaza through civil administrations. These were created in 1981 under the control of the Defense Ministry, and are staffed by military as well as civilian personnel. Israel's national police, border police, security service, and the Israel Defense Forces (IDF) all have a role in the administration of the occupied territories. The national police, which includes local Palestinians in its ranks, is seldom the target of criticism. However, there are frequent complaints by West Bankers and Gazans about the actions of the other organizations.

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Civil Administration authorities have attempted to reshape local politics, particularly by blocking the influence of the Palestine Liberation Organization (PLO) and by trying to promote an alternate leadership. Israel permitted municipal elections in 1972 and 1976, but after 1980, citing security considerations, postponed further elections and removed numerous elected and appointed officials in the West Bank and Gaza. Threats and intimidation by extremist Palestinians have also inhibited the development of a visible, moderate local leadership. The present Israeli policy is to support the installation of acceptable, non-PLO Palestinian mayors who have local and Jordanian support in place of Israeli military appointees. A new Arab mayor of Nablus took office in December, and there is discussion of installing other Arab mayors.

Israel has allowed the establishment of four universities in the West Bank and one in Gaza where none existed before, but has restricted activities of student and faculty members which it regards as threatening to its security. Israel permits criticism of its policies by the East Jerusalem-based Arabic press but has often censored articles and editorials and restricts the circulation of Arabic publications in the West Bank and Gaza. One Arabic newspaper and one press service were ordered closed during the year and one Jewish settler newspaper was temporarily banned. Broad restrictions on speech and assembly apply in the occupied territories.

Arab and Jewish residents suffered from a marked increase in violent acts in 1985. One or another faction of the PLO as well as a variety of PLO dissident groups claimed responsibility for nearly all acts of violence against the IDF or Israeli civilians. Much of the violence, including the increased use of homemade bombs, knives, guns, and Molotov cocktails, appears, however, to have been spontaneous and local.

Complaints of settler violence continued throughout the year, including unauthorized armed patrols and physical harassment. Israel prosecuted and convicted Jewish settlers for a variety of illegal acts. Twenty-five Jewish settlers were convicted of offenses including membership in a terrorist organization, murder, conspiracy, and other charges in 1985 and were given sentences ranging from 4 months to life imprisonment. Two IDF officers are currently being tried for their alleged roles in terrorism against Arabs.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

Political killing is not condoned by the Israeli Government. There have been, however, deaths and serious injuries as a result of both terrorist acts and IDF security enforcement measures. A military government spokesman said in October that 660 terrorist incidents had occurred in Israel and the occupied territories since January 1985.

At least 2 unarmed Arab residents of the occupied territories were killed and 17 wounded by IDF soldiers enforcing security regulations. Members of the IDF also killed at least 4

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residents of the occupied territories and wounded at least 5 in armed confrontations. Attacks by Arabs took the lives of at least 4 IDF soldiers, 5 Jewish civilians (in addition to 4 who were killed in Israel) and 4 Arabs, while at least 7 IDF soldiers, 40 Jewish civilians, and 16 Arabs were wounded. During 1985, two Palestinians who had been missing for some time were found dead at the site of explosions.

b. Disappearance

Israeli authorities neither sponsor nor condone disappearances.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is forbidden by Israeli law and there is no evidence that torture is condoned by the Israeli authorities. Israeli border and national policemen have been convicted of abusive use of force against Arab prisoners, and the Israeli Supreme Court has ordered the withdrawal from evidence of confessions by West Bankers on the grounds that they appeared to have been obtained by force.

Palestinian prisoners at a number of West Bank and Israeli prisons conducted hunger strikes throughout the year protesting conditions. The head of occupied territories prisons said inmates at Jenin prison spend 23 hours a day in 30 square-meter cells holding 14 people each. In 1984 Israeli courts convicted two former officials of Farah prison of having abused prisoners. Based on affidavits collected from former prisoners between May 1982 and May 1984, a report prepared by the West Bank organization Law in the Service of Man, and published by the the International Commission of Jurists, alleged in January that prisoners at Farah prison are systematically abused. Israel denied the charges of systematic abuse.

d. Arbitrary Arrest, Detention, or Exile

Persons arrested for common crimes in the occupied territories are usually provided the opportunity for bail, access to an attorney, and a clear statement of charges. Individuals may be held in administrative detention without formal charges for up to 18 days. The normal detention period after the filing of charges is 60 days before trial. This period can be extended by a Supreme Court judge for an additional 3 months, and this extension may be renewed at the end of the 3 months.

Persons detained for security investigations are not permitted bail and initially are denied access to an attorney or other outside contact, including consular officers. In some cases, officials have declined initially to confirm a person's detention to consular officers. This denial of notification of arrest to any third party can, under Israeli law, be extended for up to 15 days. It is unclear whether detainees are informed of the specific charges against them. Many of those released from such detention without charges claim ignorance of the reasons for their detention.

A sizable number of Arabs are often detained after terrorist incidents or the dispersal of demonstrations. Such detentions usually do not result in formal charges and are not prolonged. Persons arrested during demonstrations are tried in military courts on security grounds. The security forces

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can and do detain individuals without prompt notification of their relatives and apparently without the use of warrants.

In May, Israel released 1,150 prisoners, including 879 who had been convicted of security offenses (alleged terrorists, their accomplices, and contacts), in exchange for 3 Israeli military personnel who had been captured in Lebanon. Some of the approximately 400 security prisoners who were released in the occupied territories as the result of this exchange were later rearrested on new security charges. Thirty-one of those released in the occupied territories were served expulsion orders alleging that they were not bona fide residents of the territories. The Government of Israel permitted 10 of the 31 to remain in the territories after they proved to the satisfaction of the Israeli courts that they were pre-1967 residents of the West Bank. Twenty-one others were expelled, drawing a rare public rebuke from the International Committee of the Red Cross (ICRC), which had helped negotiate the original exchange agreement. The ICRC disagreed with the Israeli interpretation of the residency requirements as established in the agreement. Israel maintained that those who had reentered Israel illegally had forfeited their residency rights; the ICRC disagreed.

In August, after a 5-year hiatus, the Israeli Government revived 6-month administrative detention and deportation from the territories. The United States has indicated its belief that these measures are likely to foster further tensions and that they are inconsistent with the Fourth Geneva Convention. Since that time, approximately 100 Palestinians have been placed under administrative detention. Administrative detention must be confirmed by a military judge. The hearing is confidential and the detainee and counsel are not automatically given access to evidence cited as grounds for the detention. Six West Bank Palestinians were deported for alleged security offenses. Where the deportees appealed, the Israeli Supreme Court upheld the deportation orders.

In 1985 at least 25 Arabs were placed under new or renewed orders restricting them to their town of residence for 3 months or more. Such restrictions involve no formal charges and are ordered by regional military commanders without judicial review. Many of those so restricted are political activists, persons who are outspoken critics of Israeli policies, or PLO supporters.

More than 10 West Bank towns and at least 10 refugee camps were placed under curfew at least once during 1985. Complaints about other forms of collective punishment and humiliating treatment at the hands of the security forces, such as the holding of groups of Arab men in town or village squares for long periods, rose sharply in 1985, especially during August and September. Some soldiers were disciplined for improper use of force and for stealing from those they had stopped for questioning or search.

There is no forced labor in the occupied territories.

e. Denial of Fair Public Trial .

Jordanian law, as modified by Israeli military orders, remains in force in the West Bank for most criminal and civil matters. British Mandatory law, as modified, prevails in Gaza. The judicial application of these laws, except in

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security cases, land acquisition, or where jurisdiction has been transferred by military order, has been left in the hands of an Arab judiciary, which acts independently of Israeli authority. Residents of the occupied territories accused of nonsecurity offenses receive public trials in local courts. In East Jerusalem and the Golan Heights, Israeli law applies.

Persons suspected of having committed security offenses, which are not precisely defined under Israeli law, are normally tried in Israeli military courts with a military judge presiding, and are defended by counsel. Israeli residents of the occupied territories accused of security offenses are not tried by military court but by the Israeli district court closest to their residence or the scene of their crime.

Most military trials are open to the public, except for some cases involving serious security offenses. Consular officers normally have no difficulty in attending any court proceeding in which a foreign citizen is involved. Israel asserts jurisdiction with respect to alleged security offenses committed outside of Israel and the occupied territories.

Orders of the Civil Administration may be appealed to the Israeli Supreme Court. Nonjudicial administrative orders of the military government may be appealed to area military commanders and the Supreme Court. No appeal of military court verdicts is possible, although the area commander may exercise the right of commutation. In April, a petition was filed on behalf of two Palestinians to have Israel establish a military appeals court in the occupied territories, contending that such a court is required by international law. The Government has argued that international law does not require an appeals apparatus, that the present system is adequate, and that an appeals court would undermine the military's antiterrorism deterrent measures. As of this date, the Israeli Supreme Court has not yet rendered a decision.

Palestinians complain that due process is denied in the course of Israel's designating as state land areas of the occupied territories regarded by them as community or private land. Complaints include a lack of written notification or that the 30-day period for filing competing claims is too brief to obtain substantiating documentation. Earth-moving work sometimes begins before the 30-day period has elapsed. Israeli authorities respond that extensions are granted upon requests, and that no title is required if the disputed land has been cultivated for at least 10 years.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Under occupation regulations, military authorities can and do enter private homes and institutions without prior judicial approval in pursuit of security objectives. A military order permits any soldier to search any person or premise on the West Bank at any time without warrant on the suspicion that a person or organization may be in possession of a proscribed publication.

In 1985, at least 17 houses of West Bank and Gaza residents accused of involvement in security incidents were demolished and 20 were sealed. There is no judicial review of a decision to seal or demolish a house or room and such action is usually taken before the suspect has been put on trial. Houses or

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rooms used by Israelis suspected or convicted of security offenses in the occupied territories were not demolished or sealed in 1985.

It is widely believed that mail and telephone services in the West Bank and Gaza are monitored. Individuals can be and are questioned on their political views by security officials. Such inquiries can involve overnight detention.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Freedom of expression is restricted on security grounds. Proscribed acts include flying the Palestinian flag or displaying its colors, displaying Palestinian nationalist slogans, and publicly expressing support for the PLO. The Arabic press, most of which is located in East Jerusalem, remains outspoken in its criticism of Israeli policies and actions. Arrests, prison sentences, land seizures, and other politically sensitive stories are generally reported, but editorials and articles are frequently censored in whole or in part. All items to be printed in Jerusalem's Arabic papers must be submitted to the censor for prior review. Hebrew papers need submit only articles on military security matters to the censors. At least 90 editorials and commentaries from Arabic newspapers were censored during the year. Censorship decisions may be challenged by appeal to the chief censor.

Materials licensed to be published in East Jerusalem are free to circulate there, but require an additional license for distribution in the West Bank and Gaza. Military orders forbid the printing or publishing of anything containing political significance without a prior license. Political significance is not defined in the order.

A permit must be obtained for every publication (book, magazine, or newspaper) imported into the occupied territories. Arabic educational materials, periodicals, and books originating outside Israel are censored or banned for anti-Semitic or anti-Israeli content and for the encouragement of Palestinian nationalism. Possession of banned materials by West Bank or Gaza Arabs is a criminal offense. Restrictions of this kind are usually not applied to Israeli residents. Lawyers have complained of difficulty in obtaining the list of proscribed publications. The number of books explicitly prohibited was reduced from 1,300 to 350 after the present Israeli Government took office.

In September, the Arabic weekly newspaper Al Darb was ordered permanently closed on the charge that it was run and directed by the Democratic Front for the Liberation of Palestine. An appeal has been filed. Also in September, the East Jerusalem press service Al Minar was ordered shut for 6 months. In October, the Arabic weekly magazine Al Biyadar As Siassi was refused permission to distribute in the occupied territories for 2 weeks for failing to submit published material to the censors. The Arabic daily Ashaab was shut down for 3 days in August for printing material not approved by the censor. Five Arab journalists were placed under administrative detention in 1985. In November, the Jewish settler newspaper Aleph Yud was temporarily prevented from publishing due to alleged incitement to violent resistance against what was contended to

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be the willingness of the Government of Israel to make territorial concessions as part of a peace settlement.

Arabic-language radio and television programs from Jordan, Syria, and other Arab countries, including broadcasts of the Voice of Palestine, are received in the occupied territories without jamming.

Foreign journalists have not reported any difficulties in meeting with inhabitants of the occupied territories. All reports filed by the foreign press, however, are subject to military censorship.

b. Freedom of Peaceful Assembly and Association

The Israeli occupation authorities have permitted a wide range of labor, professional, and fraternal groups organized before 1967 to continue to function. Professional associations are active and frequently take public stands on political issues. No political parties or other groups viewed as primarily political are permitted. Public gatherings, defined as a group of more than 10 people, require permission, often withheld from both Arab and Israeli groups, based on the consideration of public order.

There are approximately 40 labor unions in the occupied territories, grouped into 2 rival federations. Fifteen new labor unions have been permitted to register in the West Bank since the beginning of the occupation, but over 100 applications have been turned down and a number of Arab unions have been disbanded by the occupation authorities for alleged security concerns. In 1985, the Israeli authorities refused permission for a union of Arab lawyers on the West Bank to form. Strikes are legal so long as they are not undertaken for political reasons. There were no reports of arrests for labor-organizing activity during 1985. Some union activities, such as cultural exhibitions or May Day festivities, were prohibited during the year on security grounds.

West Bank unions are generally small and confined to urban workers in skilled craft trades. The occupation authorities must approve all candidates for election to union office but such elections are held without other interference. Membership in the Histadrut, the Israeli national labor organization, is open to Arab workers from East Jerusalem and the Golan Heights.

c. Freedom of Religion

Freedom of religious practice exists in the occupied territories. No group or sect is banned on religious grounds. Muslim and Christian holy days are observed without hindrance, and Muslims and Christians operate a variety of private schools and institutions. There has been controversy concerning rights of access to worship inside the Ibrahimi Mosque/Tomb of the Patriarchs, which is also the site of an ancient synagogue. The occupation authorities tolerate the existence of a number of Islamic fundamentalist groups. There has been no reported interference with the publication or distribution of religious publications.

Israel protects Muslim and Christian holy places and usually assures freedom of access to them. On occasion, the authorities have denied both Arab and Jewish groups access to

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religious sites on religious or security grounds. Israel makes concerted efforts to facilitate travel into Jordan for Muslims wishing to make the Hajj to Mecca. This includes expedited bridge clearance procedures and extended hours of crossing. In 1985, several thousand Muslims from the occupied territories made the pilgrimage. At least 20 were refused permission on security grounds.

In July, a number of suspects in the Jewish terrorist underground trials were convicted and sentenced to prison terms for, among other things, conspiracy to destroy the Dome of the Rock with explosives.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement is generally unrestricted for Arabs within the occupied territories, but certain categories are significantly restricted. Approximately 80,000 Arabs travel daily to Israel to work. All residents over 16 must carry identity documents with them at all times and must show them to military or law enforcement officials whenever requested. Vehicles owned by Arabs of the occupied territories are frequently stopped for security checks, sometimes at unauthorized roadblocks manned by settlers. Palestinians are required to obtain permits to remain overnight in Israel; West Bankers are generally forbidden to remain in Jerusalem after midnight.

Most inhabitants of the occupied territories are permitted to travel abroad and many thousands do so each year. Exit visas are required. The Government of Israel issues laissez passers to residents of the occupied territories upon their request to facilitate foreign travel after a security check. In some cases, restrictions are imposed on reentry. Travel bans are also imposed on some persons suspected of antioccupation activities. Eight West Bank women were prohibited from traveling to the U.N. Conference on Women in Nairobi in August. The leader of a West Bank charitable society was denied permission to travel to the United States in September to attend the Congressional Black Caucus annual conference.

Bans on the travel of residents of particular areas have been employed by Israeli security forces as a form of collective punishment. The residents of at least 10 West Bank towns were prohibited from crossing the Allenby Bridge to Jordan for various periods following terrorist attacks. Bans on Tulkarm and Hebron lasted 1 month and 5 weeks, respectively. Despite the formal state of war between Israel and Jordan, two-way travel between the West Bank and Jordan is permitted. Palestinians returning from Jordan, as well as other Arabs or persons of Arab descent, all of whom are subject to search, complain of unnecessarily harsh or humiliating treatment and harassment. Israel permitted all members of the Jordanian Parliament resident in the West Bank to travel freely to attend parliamentary sessions during 1985.

There are no obstacles to emigration. Israel sometimes refuses to renew the laissez passers of West Bank residents who study or work abroad for a period of time, even though they have not acquired foreign citizenship. Such residents are permitted to return to the West Bank, as tourists only, and are sometimes denied the right to return at all. Entry permits or residency rights are often denied to spouses and

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children solely because the head of the household has emigrated. Israel also has not permitted the return of many former West Bank residents who happened to be absent at the time the June 1967 war broke out and Israeli occupation began.

Gazans normally do not require prior approval for travel to the West Bank. Under special arrangements concluded between Israel and Egypt, thousands of Gazans regularly cross the border into Egypt, particularly to work or visit relatives in the divided city of Rafah. Israel permits Golan Heights Druze to return after attending school in Syria; it has not, however, permitted the return of other Syrians who fled or were expelled from the area during and after the 1967 war.

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

There is no regional self-government in the occupied territories and only limited Arab administration at the town level; most villages retain their traditional leadership. Arab civil servants, institutions, and municipal officials operate under the military government. No indigenous formal political parties or overtly political organizations are permitted.

Municipal elections, held in 1972 and 1976 and scheduled for 1980, were postponed and have not been rescheduled. Of the 23 Arab mayors and municipal councils elected in 1976, 14 of the mayors and at least 4 municipal councils were dismissed by occupation authorities. The mayors of the major towns of Hebron, Nablus, Ramallah, and El Bireh were replaced by Israeli officials. Neither the dismissals nor appointments of alternate officials is subject to judicial review. Bethlehem and Tulkarm are the only major towns governed by elected Arab mayors. Nablus was returned to an Arab mayor, the last duly elected deputy mayor and elected head of the Chamber of Commerce, in December 1985.

Arab residents of East Jerusalem are permitted and encouraged to vote in municipal elections. Approximately 20 percent of those eligible did so in the 1983 elections.

Most Arab residents of the West Bank are Jordanian citizens and as such are represented by 2 senators and 30 members of the Jordanian Parliament.

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

A variety of local groups, both Israeli and Palestinian, are concerned with human rights issues. These groups' publications and statements are allowed to circulate in the occupied territories.

The Israeli Government normally permits international human rights groups to visit the occupied territories, and does not interfere with their investigations. However, two field investigators for Law in the Service of Man, the West Bank affiliate of the International Commission of Jurists which is involved in legal assistance on human rights issues, were placed under administrative arrest in September on security

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grounds. One was released in December; the other is due to be released in March.

Since 1978 the International Labor Organization has sent factfinding missions to Israel and the occupied territories. Among its recommendations it has urged that "the impact of the state of occupation...on the exercise of trade union activities should be reduced to a strict minimum...."

Amnesty International's 1985 Report on Israel and the occupied territories expressed concern regarding due process and the treatment of prisoners. Freedom House has characterized the occupied territories as "partly free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

There are between 800,000 to 1 million Palestinians in the West Bank. Living standards have risen substantially since 1967, although more slowly than in Israel or Jordan; per capita gross income in 1985 was three times its 1967 level. Much of this increase in income is due to the large number of West Bankers working in Israel and to remittances from Palestinians working abroad. In 1985, Israel's economic problems continued to affect West Bank commercial and agricultural sales, tourist trade, and local construction. A large but undetermined portion of the Arab work force is traditionally underemployed or engaged in seasonal work.

Economic life in the occupied territories has become enmeshed in Israeli regulations, some used politically. Israeli restrictions on the export to Israel of West Bank and Gaza products, especially agricultural products, limits local market opportunities. While Jordan imposes market-protection limits on West Bank produce, export to Jordan is sometimes banned by Israel as punishment for a security incident. Construction of new factories is also restricted for political as well as economic reasons. Some localities from which security offenders have been arrested have been declared off-limits to development projects. While Israel is concerned that funds from the PLO or other hostile sources might be brought into the occupied territories under the guise of development, Arabs contend that even projects which are fully funded by proven local sources have not been approved.

The Israeli Government has indicated that it would review favorably several long-standing Arab proposals and in October the Civil Administration approved a large number of projects which had previously been rejected. Several municipalities have been permitted to import funds held in Jordanian banks and private import of funds has been liberalized.

The taking of land by Israeli authorities for settlements, military use, and in connection with major road plans, and the reclassification of communal areas as state land, significantly affects the lives and economic activities of Palestinians. According to some calculations, Palestinians have been precluded from use of an area approaching 50 percent of the West Bank land and 15 percent of the Gaza Strip, of which about one half is presently vacant and barren. There are currently more than 150 nonmilitary settlements in the West Bank (excluding unilaterally expanded Jerusalem) and Gaza, with a total population of about 40,000, although the growth of settlements slowed considerably in 1985. The scarcity of water in most parts of the West Bank constrains

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agricultural and urban development. A disproportionate amount is allocated for settlers' use.

The United Nations Relief and Works Agency (UNRWA) and the military government meet the basic educational needs of refugee students in the West Bank. Overall adjusted primary school enrollment there was 83 percent in 1984. The West Bank is served by four universities, one college, one community college, and a variety of other educational institutions, all established or upgraded since the beginning of the Israeli occupation. None of the universities receives financial support or other assistance from the occupation authorities. The creation of additional institutions is under consideration by various Arab groups. All teachers at educational institutions in the occupied territories must receive certificates from the Israeli authorities, issuance of which include criteria beyond that of professional competence. In March, 18 teachers were dismissed for political activities. An-Najah University was closed twice during 1985: once for 2 months after occupation authorities seized materials considered inflammatory during a campaign for student council elections and for 3 days in December for allegedly allowing illegal assembly. Bir Zeit University was closed by the authorities for 1 month and Bethlehem University was closed for 1 week when proscribed books were found at book fairs on the campuses. Bethlehem was also closed for 1 day in November following student demonstrations protesting deportations. These measures at times go beyond what might be reasonably justified on security grounds.

The 363 square kilometer Gaza strip has a population of about 500,000 with a per capita income of about \$1,100 a year. Gaza's economy advanced marginally in the early 1980's, whereas real gross national product grew at over 10 percent in the late 1960's and 5 to 6 percent in the late 1970's. Since 1967, infant mortality has declined sharply and health services have improved. Gaza's basic needs for food, clothing, and shelter are largely met. Severe population pressure and inadequate public sanitation remain major problems. Housing is especially crowded in the eight Gaza refugee camps, where approximately 210,000 of the 370,000 refugees registered with UNRWA live. Approximately 35,000 refugees have left the camps to live in Israeli government-sponsored communities. Inadequate classroom space has forced double-shifting at many UNRWA and government schools in recent years. Gaza producers of citrus, the major crop, complain that marketing has suffered from both Israeli and Jordanian restrictions. Israel has reduced water use to allow the water table to rise and inhibit saline intrusion. The fishing industry has shrunk due to restrictions on fishing waters. About 35,000 Gazans commute daily to work in Israel, earning about one-third of Gaza's income. Gaza's Al Azhar University, an affiliate of Al Azhar in Cairo, offers a 4-year program to about 3,300 Gaza students.

The Israeli-occupied portion of the Golan Heights consists of 1,295 square kilometers, and has an Arab population of about 15,000, mostly Druze and a small percentage of Alawites. Approximately 7,500 Israeli settlers live in some 32 settlements in the Golan Heights. Druze village councils have complained that they do not receive sufficient funding to provide minimal municipal services, and a third of the estimated 4,000 school children are reported to be studying in substandard classrooms.

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Child labor is not permitted and adequate regulations on working conditions are in effect. Histadrut, the Israeli national labor organization, has taken steps to assure that working conditions for Golan Druze are comparable to those of Israelis.

Urban West Bankers are increasingly sophisticated in their social attitudes, including toward the role of women, but the rural majority continues to hold more traditional social values. There are no legal or administrative prohibitions on the employment of women in the occupied territories, although traditional cultural mores and family commitments limit most to homemaking. Most Palestinian women holding jobs outside their homes reside and work in urban areas. Employment of women is concentrated in service industries, education, and health services, with a small number working in journalism, law, and other professions.

Although women legally have equal access to public education, custom and family pressures limit the number of women in West Bank schools. Even so, female school enrollment is quite high by Middle Eastern standards. A little over 45 percent of the primary and secondary school students are female. While female enrollment at the postsecondary level varies between roughly 30 to 45 percent at coeducational West Bank colleges and universities, a number of teacher and vocational training centers are all male or all female.

There is a wide range of women's cooperative groups for health care, child care, handicraft production, vocational training, and other services. The West Bank-wide Society for the Preservation of the Family is active in supporting women's needs.

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Jordan is a hereditary monarchy with a constitution granting the King broad powers. The King forms and dissolves governments and is the ultimate arbiter of policy. The Prime Minister and the Council of Ministers (Cabinet), however, exercise considerable responsibility over many issues. The Constitution also provides for a bicameral parliament and an independent judiciary.

Martial law has been in effect since the 1967 war which ended with Israel's occupation of the West Bank. Under martial law, some persons have been detained with little opportunity to communicate with acquaintances for varying periods, usually not exceeding several months. Generally, however, martial law has not much affected the civil rights of Jordanians.

Jordan has a mixed economy with government participation in certain sectors, largely in basic industries. The Government of Prime Minister Zaid Rifai, formed in April 1985, has promoted free enterprise by canceling Jordanization of foreign banks, eliminating taxes on real property transactions, and vowing to encourage private investment and public sector discipline in a new development plan. Owing to declining foreign assistance and a weak world economy, Jordan's healthy economic growth of the past decade has leveled off in recent years.

There were no significant changes in Jordan's human rights situation in 1985. The absence of political parties, martial law, and broad powers exercised by the police are areas of concern but recent trends have been favorable. The increased opportunities for women in all areas of life, the continued importance given to the rule of law and an independent judiciary, the gradual maturation of the Parliament, and recent fair and open elections have contributed to an improving human rights picture.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

The Jordanian Government does not sanction political killings. None has occurred since a prominent Palestinian leader, Fahd Kawasmeh, was assassinated by terrorists in December 1984.

Summary executions do not occur in Jordan. Some Arabs have been sentenced to death based on a Jordanian law permitting trials in absentia for selling West Bank land to Israelis but these sentences have never been carried out.

b. Disappearance

There were no disappearances reported in 1985.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There is no evidence that the Government condones or practices torture. There have been a few reports of ill-treatment by police. Judicial authorities take such allegations seriously

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and have been known to dismiss cases based on apparent mistreatment. In May 1985, the Director of Public Security established a special office to handle any public complaints of abuse by security officers and promised to punish offenders. Jordanian law provides for the decent treatment of prisoners. Prison conditions are Spartan but not intentionally degrading. They are inspected by the International Committee of the Red Cross. Crowded conditions in some prisons were much relieved by a June 1985 Royal Amnesty releasing over 1,000 inmates. A modern central prison planned for Amman remains under construction.

d. Arbitrary Arrest, Detention, or Exile

Although Jordan has been under martial law since 1967, most persons are placed in custody by Jordanian authorities in accordance with the criminal code requiring imposition of charges within 48 hours. Persons may then be detained pending trial for 15 days, or longer if a court approves the prosecution's request for an extension. The criminal code is generally applied for persons arrested for designated martial law crimes, which include espionage, bribery of public officials, trafficking in narcotics or weapons, black marketeering, and security offenses. Security forces have apparently detained incommunicado (or with limited outside access) some persons, possibly 50-75 in 1985, suspected of cross-border infiltration and security crimes. These persons are usually released or brought to trial after detention periods ranging from a few days to several months. A habeas corpus petition for any detained person may be brought before the High Court of Justice, but is unlikely to be granted for those accused of security offenses. Compulsory labor is forbidden by the Constitution and is not practiced. There are no instances of exile.

e. Denial of Fair Public Trial

All criminal cases, except martial law crimes and crimes committed by military personnel, are tried in civilian courts. The legal code and the independent selection of judges help to assure a fair trial. Trials are held in open court, except in a few cases such as those involving sexual offenses. Defendants are presumed innocent until proven guilty and have the right to be represented by counsel, to prepare a defense, to cross-examine witnesses, and to refrain from giving self-incriminatory testimony. The court appoints a lawyer for those who cannot afford one if the potential sentence is execution or life imprisonment. An effective appeals process may be utilized by either the defendant or the prosecution. Death sentences are seldom imposed. Three persons were reportedly executed in 1985, all for serious crimes involving murder and after lengthy judicial hearings.

Civilian judges must demonstrate legal competence in written and oral examinations before selection by a board composed of three judges, the Chief Attorney General, and the Undersecretary of the Justice Ministry. Judges may be removed from office only after serious transgressions of the law and after a disciplinary board hearing.

Martial law crimes are adjudicated in military court before a panel of three military officers trained in the law. The military court observes the law of criminal procedure and, in practice, defendants are given the same rights as in civilian

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court except the right of appeal. Sentences of the court for martial law offenses must, however, be ratified by the Prime Minister in his capacity as Military Governor. The Prime Minister is authorized to increase, reduce, or annul the sentences. These cases are always reviewed for fairness by a legal advisor or the Justice Minister before the Prime Minister makes a decision. The military court also adjudicates all crimes committed by military personnel. In these cases, the Commander in Chief of the Armed Forces must ratify the sentences.

Religious courts have jurisdiction over most family matters, such as marriage, divorce, child custody, or guardianship. The Shari'a (Muslim religious law) applies to Muslims in these areas and a Shari'a court system handles disputes. Ecclesiastical courts handle similar matters for members of the main Christian sects. The civil courts administer the cases of other religious groups. Shari'a, however, must be applied to questions of inheritance for all communities.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The inviolability of the home is respected. Police searches of homes require warrants except in rare cases involving security or the hot pursuit of fleeing suspects. It is believed that security personnel sometimes monitor telephones and correspondence but the practice is evidently not widespread.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Constitution safeguards freedoms of speech and of the press but permits limited media constraints under martial law. Jordanians freely express wide-ranging opinions, including criticism of the Government, in informal settings. Public debate is less pronounced in the state-owned radio and television networks and in the privately-owned but government-influenced press where a form of self-censorship persists. The Government provides editors with guidance from time to time on key foreign policy and security matters. On most other issues, government interference is minimal and critical commentary is tolerated.

Journalists must register with the Information Ministry and join the Journalists Association. One editor was placed under house arrest for two months in 1985 following a controversial story. A part-time political columnist was also reportedly arrested in May 1985 and charged with membership in an illegal organization.

Foreign newspapers and magazines are widely available, though they are subject to infrequent censorship.

b. Freedom of Peaceful Assembly and Association

Public demonstrations require a permit, rarely granted, from the Interior Minister. Except for a brief sit-in by United Nations Relief and Works Agency workers protesting potential reductions in services, no significant demonstrations occurred in 1985. All organizations require government approval and may not have political objectives. Government surveillance of public meetings, university activities, and organization gatherings is routine.

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Jordanians are free to join labor unions and professional associations. These organizations require government licenses, which are usually granted without difficulty. Unions and associations defend the interests of their members and their officers are elected by the membership. Unions engage in collective bargaining. Strikes are legal except for government workers and have occurred in the past, although not in 1985. The law requires that an employer be given advance notice (usually 14 days) before a strike. The Ministry of Labor and Social Development may arbitrate labor disputes.

Professional associations among doctors, engineers, lawyers, pharmacists, and similar professional groups operate freely. They maintain influence with the Government in their respective areas of interest.

About 20 percent of the Jordanian work force is unionized. Seventeen unions comprise the Jordan Federation of Trade Union (JFTU). Several other unions do not belong to the JFTU. Unions have virtually no political role and confine themselves to representing their membership in such areas as wages, working conditions, and termination of workers. Their effectiveness varies widely. The JFTU actively participates in international organizations such as the International Labor Organization and the International Confederation of Arab Trade Unions.

c. Freedom of Religion

Islam, the state religion, is observed by well over 90 percent of Jordanians. However, the constitutional guarantee of freedom of worship is adhered to by the Government. There appears to be little discrimination against religious minorities, who are represented at all levels in the Government, military, and the business community. Laws making harassment of religious minorities a crime are enforced. A variety of Christian groups, including Catholic, Orthodox, Protestant, and Seventh-Day Adventist, maintain churches, schools, hospitals, and other institutions. A small Baha'i community also exists. A few foreign clergymen reside in Jordan. Although proselytizing among Muslims is forbidden, conversion by Muslims is not a crime.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Movement within Jordan is unrestricted except in certain military zones. With a few exceptions (primarily military personnel and reservists who need permission for foreign travel), the Government does not restrict emigration or foreign travel. A woman must present the written consent of her husband, father, or male guardian to obtain an initial passport but thereafter may travel alone without restraint. Citizens who have left Jordan have the right to return. There are no reported cases of revocation of citizenship for political reasons. A court recently held that assuming a foreign nationality does not deprive a person of his Jordanian citizenship. Some citizens returning to Jordan, particularly those who have traveled to Communist countries, are questioned by the General Intelligence Directorate regarding security matters.

Jordan has faced a long-term refugee problem from the influxes of Palestinians made homeless by the 1948 and 1967 Arab-Israeli

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wars. According to the most recent statistics, Palestinian refugees and their descendants on the East Bank total about 1 million, including approximately 203,000 living in refugee camps. The total does not include a large but undetermined number of other persons from the West Bank, the Gaza Strip, and Israel who have settled in the East Bank since 1948. Except for some refugees from Gaza, all have been granted Jordanian citizenship and have the unrestricted right to live, work, and own property. The Interior Minister routinely grants permits for travel between the East Bank and Israeli-occupied territories.

Jordan has granted asylum even in cases which have strained relations with the neighboring states.

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

Executive and legislative powers are constitutionally vested in the King, who rules with the assistance of an appointed Council of Ministers. A Parliament, with an appointed Senate and an elected House of Deputies, was reinstated by the King in January 1984 after having become moribund in the wake of the 1967 war with Israel and suspended in 1976. Although overshadowed by the executive branch, the Parliament, which must ratify royal decrees and laws proposed by the Council of Ministers, has been gaining stature. A controversial education reform law, for example, was shelved in 1985 after considerable public and parliamentary opposition.

Parliament is still composed largely of members elected in the last national election of 1967. Since that time, general elections have been impossible because of continued Israeli occupation of the West Bank. Vacant East Bank seats have been filled through elections which are widely considered to have been fair and open. The country is still seeking a formula which will provide adequate parliamentary representation for the West Bank in lieu of Jordanian-sponsored elections there. Vacant West Bank seats are currently filled by vote of the other members of Parliament.

Most municipal and town councils are elected by popular vote. Suffrage is universal. Women were enfranchised in 1973 and may also run for office. King Hussein has encouraged the participation of women in the political process and appointed Jordan's first female cabinet minister in 1979.

Organized political parties are not permitted, although several informal political groups operate openly. The Communist Party is banned. All persons seek elected office as independents.

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

Jordan has attracted little attention from either private or international human rights organizations. The Jordanian lawyers' professional association has a human rights committee, but it is not active. Other organizations and ad hoc groups occasionally issue statements and petitions on such human rights concerns as Palestinian rights and the ban on political parties. The International Committee of the Red Cross maintains an office in Amman and its representative regularly visits all prisons and detention facilities. He is allowed to

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meet in confidence with all incarcerated persons and the Government is responsive to his recommendations. In its 1985 report, Amnesty International expressed concern about the imprisonment of possible prisoners of conscience, the prolonged detention without trial of political prisoners, allegations of ill-treatment of prisoners, and the death penalty. Freedom House rates Jordan "partly free."

Several members of the royal family are actively interested in such issues as prison reform and women's rights. Crown Prince Hassan cofounded the Independent Commission on International Humanitarian Issues. The Government has also played an active role in the International Labor Organization and the U.N. Human Rights Commission.

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Jordan's population is 2,794,000 with an annual growth rate of 4.1 percent. Despite limited natural resources, Jordan has continued to provide its citizens with a rising standard of living and improved social services in recent years. World Bank figures show per capita gross national product at \$1,640 in 1983.

Nevertheless, adverse conditions in the oil economies of Saudi Arabia and the Gulf states, which provide employment for most of Jordan's skilled expatriate work force, have affected Jordan's economy. The growth in remittances has slowed considerably and direct aid from Arab countries declined from \$1.2 billion in 1981 to less than \$600 million in 1984. Other factors contributing to Jordan's slower economic growth have included depressed prices for phosphates, Jordan's primary export product, a continuing slump in construction, and increased debt repayments. A heavy trade deficit (imports exceeded exports by a factor of four to one in 1984) continues to plague the economy. Central Bank statistics record a 1984 gross domestic product growth rate of 3.8 percent compared to 5.4 percent in 1983.

Jordan is a highly urbanized society with about 80 percent of its people residing in a city, suburb, or semiurban area. About 10 percent of the population is composed of Palestinian refugees living in shelters supervised by the United Nations Relief and Works Agency. The domestic Jordanian labor force of 430,000 has, until recently, been at close to full employment. An additional 320,000 Jordanians work abroad primarily in technical and professional positions in Saudi Arabia and the Gulf states. About 150,000 mostly unskilled foreign workers (primarily from Egypt) reside in Jordan.

Jordan has placed great emphasis on social service projects. In the last decade, numerous schools and health centers have been built and sewage, water, and electrification projects undertaken. Welfare assistance is principally family-based, although the Government and charitable organizations provide some help.

Health facilities in Jordan are widely distributed, but uneven in quality. Facilities range from Amman's modern King Hussein Medical Center, which performed the Arab world's first heart transplant in 1985, to simple rural clinics. The ratio of 1 doctor for 960 East Bank Jordanians in the early 1980's is expected to improve to 1 doctor for 368 residents in 1986. Life expectancy at birth is currently 64.48 years. The 1984

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World Bank estimate of infant mortality is 53 per 1,000 live births. The World Bank estimated in 1982 that 80 percent of the population had access to safe water.

Education is highly valued in Jordan and its educated citizens, who work in many countries, are Jordan's most important resource. World Bank figures for 1982 indicate Jordan's primary school (grades 1-6) enrollment ratio was 81.30 percent (81.36 percent for males and 81.25 percent for females). These rates drop slightly for preparatory school (7-9). Although attendance at secondary schools (10-12) is not compulsory, about 74 percent of the age group enrolls. Competition to attend Jordan's two major universities is fierce. A third university for military and security personnel was opened in 1984. Students who are not accepted in domestic universities frequently attend one of many community colleges or attend university abroad. The Education Ministry estimates that about 50,000 Jordanians are currently attending institutions of higher learning abroad. Adult literacy has increased dramatically from about 20 percent in 1958 to 72 percent in 1983, with males at 82 percent and females at 60 percent.

Jordan's workers are protected by a comprehensive labor code enforced by inspectors of the Ministry of Labor. Children under 13 are not permitted to work. Children aged 13 to 15 are allowed to work a maximum of 6 hours a day, but are forbidden to work at night (except with special permission) and in certain occupations regarded as dangerous. The Government prepares and adjusts periodically a minimum wage schedule for various trades based on recommendations of an advisory panel composed of representatives of workers, employers, and the Government. Maximum working hours are 48 hours per week, with the exception of hotel, bar, restaurant, and movie theater employees who can work up to 54 hours. Workers are entitled to a weekly day of rest, rest intervals during the workday, 2 weeks annual paid leave, 2 weeks annual sick leave, and severance pay. The law specifies a number of health and safety requirements including bathrooms, drinking water, safety equipment, and first aid equipment for workers. Jordan also has a worker's compensation law. The Government appears to administer and enforce its labor laws fairly.

Women in Jordan have traditionally devoted themselves to family responsibilities, thereby disfavoring them economically and, to a lesser extent, educationally. Women's role in society has been changing in recent years, however. Women now account for half the student body at the elite University of Jordan. At another educational level, a newly-opened vocational training center in Amman has begun to teach women to repair radios, television sets, and office machinery. Such changes in educational patterns are similarly reflected in the work force. Women today comprise about 20 percent of the labor force, compared to 4 percent in 1975. Although women participate generally in subordinate positions and most heavily in clerical, teaching, and administrative jobs, there has been a significant increase in the number of women in such professions as medicine, engineering, and architecture. Women are now officers in the police, two female Jordanian pilots now fly for Royal Jordanian Airlines, and women increasingly operate businesses. The Government encourages women workers by requiring maternity leave and child care centers at large establishments.

Equality between men and women is the legal norm. In practice, certain traditions can constrain women's freedoms. In matters

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of inheritance and divorce, women are also treated differently. Under Islamic law, sons inherit twice as much as daughters. Although a man may obtain a divorce more easily than a woman, he may be required to pay considerable compensation based on the marriage contract. A recent divorce reform law increased compensation for women suffering from an arbitrary divorce. Women may also gain custody of young children.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: JORDAN	1983	1984	1985
I.ECON. ASSIST.-TOTAL...	20.1	20.0	100.0
LOANS.....	10.0	7.0	5.0
GRANTS.....	10.1	13.0	95.0
A.AID	20.0	20.0	100.0
LOANS.....	10.0	7.0	5.0
GRANTS.....	10.0	13.0	95.0
(SEC.SUPP.ASSIST.)...	20.0	20.0	100.0
B.FOOD FOR PEACE.....	0.1	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.1	0.0	0.0
TITLE I-TOTAL.....	0.0	0.0	0.0
REPAY. IN \$-LOANS.....	0.0	0.0	0.0
PAY. IN FOR. CURR.....	0.0	0.0	0.0
TITLE II-TOTAL.....	0.1	0.0	0.0
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF AGENCY.....	0.1	0.0	0.0
C.OTHER ECON. ASSIST...	0.0	0.0	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	0.0	0.0	0.0
PEACE CORPS.....	0.0	0.0	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	52.8	116.7	91.9
LOANS.....	51.5	115.0	90.0
GRANTS.....	1.3	1.7	1.9
A.MAP GRANTS.....	0.0	0.0	0.0
B.CREDIT FINANCING....	51.5	115.0	90.0
C.INTL MIL.ED.TRNG....	1.3	1.7	1.9
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	72.9	136.7	191.9
LOANS.....	61.5	122.0	95.0
GRANTS.....	11.4	14.7	96.9
OTHER US LOANS.....	0.0	45.0	0.0
EX-IM BANK LOANS.....	0.0	45.0	0.0
ALL OTHER.....	0.0	0.0	0.0
ASSISTANCE FROM INTERNATIONAL AGENCIES			
	1983	1984	1985
TOTAL.....	35.8	147.7	113.0
IBRD	35.8	130.0	101.5
IFC	0.0	0.7	0.0
IDA	0.0	0.0	0.0
IOB	0.0	0.0	0.0
ADB	0.0	0.0	0.0
AFDB	0.0	0.0	0.0
UNOP	0.0	2.5	0.0
OTHER-UN	0.0	0.0	0.0
EEC	0.0	14.5	11.5
			725.8
			452.3
			96.1
			83.8
			0.0
			0.0
			0.0
			42.2
			7.4
			44.0

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Kuwait's amirs, drawn from the Al-Sabah family, have traditionally governed in consultation with several commercially powerful families and other community leaders. The 1962 Constitution contains detailed provisions on the powers and relationships of the branches of government and on the rights of citizens. Kuwait's National Assembly institutionalizes a degree of consultation with the ruling family and serves as an outlet for popular expression, including criticism of the Government. Political activity is restricted by the ban on political parties.

Kuwaitis are a minority in their own country, comprising 40 percent of the total population. Kuwaiti citizens are 60-65 percent Sunni Muslim; the remainder are Shi'ite Muslim and a tiny minority of Christians. Although the members of Kuwait's Shi'a minority perceive themselves to be largely excluded from leadership positions in the Government, many have achieved great wealth. The Iranian revolution has made Kuwait's leadership more aware of the potential for Shi'a subversion. Meanwhile, the majority Sunni community has experienced an upsurge of Islamic fundamentalism which frequently conflicts with attitudes of the traditionally moderate members of the merchant class. Kuwait's expatriate population includes 300,000 Palestinian long-term residents, many in their second generation. Non-Kuwaitis are given due process under the law but have few other civil and political rights.

Although the Government restricts the political and civil rights of all residents, and particularly those of women and expatriates, it rarely violates the integrity of the individual. Kuwait's security apparatus is used primarily to maintain internal order. It does not engage in political repression.

Increased political turbulence and rising terrorism in the region during 1985 affected the human rights situation in Kuwait. The role of Kuwait's security organizations increased substantially, particularly with regard to the noncitizen community. Terrorist acts, widely believed to be foreign-inspired, continued with the attempted assassination of the Chief of State and the bombings of two public cafes. A prominent Kuwaiti newspaper editor was seriously wounded in an assassination attempt, and an Iraqi diplomat and his son were shot to death in their home. The violence has led to a further increase in security measures and legal restrictions on public gatherings and dissemination of "subversive" literature. Increased attention to law and order is also viewed by some Kuwaitis as a means to protect their society against the threat they perceive to Kuwaiti moral and social values from the large foreign population. Since the beginning of the current cycle of terrorism with the December 1983 bombings of Kuwait installations and the American and French embassies, security organizations have assiduously applied regulations governing expatriate presence in Kuwait and, since the attempt on the Amir's life in May 1985, Kuwaiti officials have publicly acknowledged the deportation of over 15,000 non-Kuwaitis. Internal socioeconomic changes brought on by sudden oil-related wealth, coupled in recent years with violent revolution in Iran and the Iran-Iraq war, have also led to a growing demand by well-organized groups for stricter controls over public morality and political expression. A resurgent Islamic fundamentalist movement advocates adoption of a more stringent legal code based on Islamic Shari'a law.

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RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

In March, 1985, an Iraqi diplomat and his son were killed by unidentified gunmen. No group claimed responsibility for the killings, but agents of a foreign government were suspected. No arrests in the case were made.

In May, a car bomb attempt was made against the life of the Chief of State, Amir Jaber al-Ahmad al-Sabah. Four persons, in addition to the suicide bomber, died in the attempt, but Amir Jaber was only slightly wounded. Although callers purporting to be members of at least two organizations claimed responsibility for the attack, no one had been indicted by the end of 1985.

In July, 10 persons were killed and a number wounded when bombs detonated at two public cafes. A caller purporting to be a member of the Arab Revolutionary Brigades claimed responsibility. No one had been indicted by the end of 1985. In both the attempt on the Amir and the cafe bombings, the complicity of groups supported by foreign governments was widely suspected.

b. Disappearance

There were no reported disappearances in 1985.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Local security forces, without authorization, occasionally use physical violence when interrogating individuals suspected of committing criminal acts. These incidents do not appear to be widespread or condoned. Non-Kuwaitis are more likely to receive rough treatment than are Kuwaitis, and the seriousness of the suspected crime also appears to be a determining factor. Evidence of mistreatment during interrogation is a defense in Kuwait's courts and has led to the release of a number of suspects.

Kuwait's prisons are managed along modern lines. Treatment is humane, and the Government provides food and other necessities. Young offenders, few of whom are imprisoned, are separated from persons charged or convicted of serious crimes. There is no policy of discriminatory treatment among prisoners for racial or religious reasons.

Large numbers of expatriates were detained, and many of them deported, following the attempt on the Amir's life in May 1985 and the cafe bombings in July. Because of limited space in detention centers--frequently local police jails--there were reports that detainees did not receive adequate food and that hygienic conditions were poor. However, accusations by Iran that some detainees were tortured and killed by the authorities have not been substantiated.

The legal process is based in part on Islamic law, but punishments such as mutilation or stoning are not permitted. Some fundamentalist members of the National Assembly have

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attempted to force the Government to adopt Islamic law fully, and by extension its harsh punishments, as the only basis for legal process, but their efforts have not been successful.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and imprisonment are prohibited by the Constitution. In 1985, there was no confirmation that persons had been detained for political reasons. Persons may not be denied due process or held for more than 4 days without charge, and a prosecutor's approval is required for detention periods beyond 24 hours. Thereafter the suspect must either be released or charged by a prosecutor, who may authorize detention for up to an additional 21 days. Further detention pending trial may be authorized by a judge. Warrants are required unless a person is apprehended in the act of committing an offense. These procedures are followed in practice. Road blocks and spot checks of outdoor gatherings of expatriates, especially of South Asians, are used sporadically by the police searching for illegal immigrants and contraband liquor. Persons without proper identification may be detained by the police under the procedures described above.

A number of Kuwaitis and non-Kuwaitis were detained and interrogated following the 1985 terrorist bombings. There were a number of reports that local authorities focused their searches for inadequately documented expatriates on Shi'a Muslims of Iranian, Iraqi, and Lebanese origin, leading to some arbitrary detentions. In August 1985, the Government publicly acknowledged that legal procedures had been ignored in some instances, but stated that such practices would be halted. Although there have been unconfirmed reports of incommunicado detention, it does not appear to be a common practice.

No Kuwaiti citizen may be exiled or denied return to Kuwait. However, a noncitizen, even if a long-term resident, may be summarily expelled without a specific charge against him if considered a troublemaker by the authorities. As a result of security measures taken following the May-July 1985 terrorist bombings, a substantially larger number of non-Kuwaitis were deported in 1985 than in previous years. The great majority, however, were persons who had arrived in Kuwait illegally or whose residence permits had expired.

There is no forced labor.

e. Denial of Fair Public Trial

Kuwait's judicial system is independent and provides for public trial, the right of appeal, and representation by an attorney of one's choice. Failure of the police to respect a suspect's rights may provide a defense in the courts. Trials in absentia have occurred. In such cases, the defendant is allowed an additional right of appeal. There are no reports of secret or unfair trials or of discrimination against defense counsel. However, the court-appointed attorney of a defendant unable to engage his own lawyer is not always given adequate time to prepare a defense. Interpretation of court proceedings to ensure their understanding by non-Arabic-speaking defendants is sometimes inadequate. According to the Constitution, military courts have jurisdiction only over offenses committed by members of the armed or security forces,

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except during periods of martial law (which has never been declared in Kuwait). The Amir has the power to pardon or to commute sentences passed by either civilian or military courts and does so through the publication of an annual list of commutations following major religious holidays. The only known prisoners currently jailed for politically related acts are 17 persons convicted of participating in the December 1983 bombings which had resulted in several deaths. Three of the prisoners were sentenced to death, but their executions, which must be ordered by the Amir, were still pending at the end of 1985.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The right to individual privacy and sanctity of the home is provided for in the Constitution and generally respected in practice. Warrants are required to search, unless the police are in hot pursuit of a suspect fleeing the scene of a crime or where there is an indication of the presence of alcohol or illegal narcotics. Search warrants to enter residences or businesses are issued by a public prosecutor. Expatriates, and particularly common laborers and servants who live in accommodations provided by their employers, may have their premises searched by the police with authorization only of the employer. Following the May and July 1985 bombings, security authorities occasionally did not follow these procedures. In several such instances, however, cases were filed against the officials in court and the police were warned against such actions.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Constitutional guarantees in this area are conditional, modified by such phrases as "in accordance with conditions and manner specified by law." The average Kuwaiti or Kuwait resident feels free to offer his opinion in private without fear of official retaliation. No one may make a written or public attack upon the Amir and the ruling family, upon Islam, or upon leaders of friendly Arab states. Kuwait has an active censorship department, which reviews all books, films, videotapes, periodicals, and other material entering Kuwait in bulk or for commercial purposes. In practice, references to the State of Israel are often excised from educational materials, reference works, and maps. Items arriving by post for individuals or institutional use are usually not opened before delivery, unless the contents are suspected of being pornographic. Printed and visual material produced within Kuwait is not subject to precensorship, but is liable to government action after publication or release. Radio and television are government-owned and controlled.

The Kuwaiti press is not precensored. Articles and editorials critical of government action or of individuals appear frequently. The press law sets down several categories which are restricted. These include direct criticism of the Amir and the ruling family; official confidential communications or treaties and agreements with other states; material which might disturb relations with Arab and friendly states or which might prove embarrassing to their heads of state; and a general category of stories which "might incite people to commit crimes, create hatred, or spread dissension among the

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people." In practice, the list is interpreted selectively and violators are usually only issued warnings. Although no such incidents occurred in 1985, editors and publishers are liable to imprisonment and fines for violations. The Government permits the use of languages other than Arabic in speech, print, and private schools.

b. Freedom of Peaceful Assembly and Association

Political parties are banned. Political activity finds some outlet in social clubs and religious gatherings known as "diwaniyyas." The Constitution protects the right to private assembly, public meetings, processions, and gatherings which are peaceful and not contrary to public morals. However, any group of more than three people desiring to meet for public discussion (or to meet privately but to issue a public statement) must receive prior permission from the Ministry of Interior. The authorities may prevent such an assembly merely by ignoring the request. During 1985 there were no mass gatherings, except those associated with religious observances. During a Shi'a religious commemoration with potential political overtones in September, security forces were highly evident although they did not interfere.

Kuwait permits trade unions, although only government employees and the petroleum, banking, and airline sectors are unionized. The majority of union members are civil servants. Kuwaiti citizens are allowed to establish and join unions. Unions may draw up their own constitutions, formulate their own programs, and join confederations. Many union activities are, however, funded by the Government and subject to government approval. Workers have the right to bargain collectively. The right to strike, though seldom exercised, is recognized. Kuwaiti labor law has a provision allowing for compulsory dissolution of any union that "commits an act considered to be violating the provisions of this law and of the laws connected with the preservation of public order and morals." Expatriate workers, who comprise the majority of the labor force, are permitted to join unions after five years residence. Non-Kuwaitis are not, however, permitted to vote, hold office, or form unions. They are described as "associate members" of the unions. Since each union must be formed by and have several Kuwaiti members, expatriate unskilled workers have no union representation.

In the spring of 1985, some oil workers struck to protest the required performance of additional tasks not in their job descriptions. Port workers struck in the summer to demand higher wages. There is no apparent harassment of professional groups, bar associations, scientific bodies, or labor unions, which are also allowed to participate in international bodies. The Kuwait Federation of Trade Unions, grouping the government and petroleum workers, is a member of the International Confederation of Arab Trade Unions and the World Federation of Trade Unions. Kuwait is an active member of the International Labor Organization (ILO). In 1984, the ILO requested Kuwait to amend its labor laws to bring them into conformity with various ILO conventions to which it is a party, but no action had been taken by the end of 1985.

On December 8, Kuwait's State Security Court concluded the trial of four Kuwaiti citizens who had been indicted on a variety of charges including membership in an organization whose goal was to overthrow the regime and distribution of

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subversive literature. One defendant was sentenced to two years at hard labor for criminal complicity. A second received a similar sentence for training in the use of weapons. Two other defendants were found not guilty of any the charges. According to Kuwait News Agency, the case involved a "group accused of publicizing doctrines aimed at undermining the State's basic system and instigating the overthrow of the regime.

c. Freedom of Religion

The Constitution declares that "freedom of belief is absolute," but states further that its practice is not to "conflict with public policy or morals." Kuwait's state religion is Islam, and the Shari'a (Islamic law) is, according to the Constitution, "a main source of legislation." The ruling family and most prominent Kuwaiti families are Sunni Muslims. There is no official policy of discrimination against Shi'a Muslims, who constitute about one-third of Kuwait's citizenry, but they and members of Kuwait's tiny Arab Christian minority are seldom appointed to sensitive government positions. There are a number of expatriate Christian congregations in Kuwait and several churches. In recent years the Government has banned Christmas parties in the country's hotels and restaurants. Pressure from fundamentalist Islamic groups is the unstated reason for the restriction. Expatriate practitioners of Eastern religions, e.g., Hindus, Sikhs, and Buddhists, are not allowed to establish places of worship in Kuwait but may worship privately in their homes. Proselytizing of Muslims by non-Muslims is prohibited.

In the past three years, the National Assembly has barred the future granting of citizenship to non-Muslims, prohibited all importation of alcoholic beverages, and repeatedly attempted to establish Islamic law as the basis for all legal process. Assembly members have also pressured, with some success, those campuses of Kuwait University which are sexually integrated to separate the sexes in the classrooms and in other facilities, such as cafeterias. The Government has accommodated the National Assembly's demands for the application of some fundamentalist principles but has blocked attempts in the Assembly to apply Islamic law across the board.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Citizens generally are free to travel inside and outside the country, to emigrate, and to return. There is some restriction on foreign travel for young men who have not completed, or been exempted from, their compulsory military service. Those serving in the military must receive permission from the Defense Ministry before traveling abroad. Although there are no different legal standards regarding the internal or foreign travel or emigration of Kuwaiti women, in practice husbands can prevent their wives and minor children from leaving the country.

There are occasional instances in which citizens' passports are suspended temporarily. Generally, this has applied mainly to criminal suspects, but sometimes to outspoken regime critics as well. By late 1985, upwards of 8,500 Kuwaitis were barred from traveling abroad because of debts remaining from the collapse of an extra-official stock market three years

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earlier. Representatives of societies, associations, and trade unions wishing to travel to and participate in international meetings have to receive prior permission.

Although the Constitution states that "no Kuwaiti may be deported from Kuwait or prevented from returning thereto," persons have been stripped of Kuwaiti citizenship and deported. Such actions have been rare and have in some cases been based on the voluntary acquisition by the person of foreign citizenship. One such incident publicly reported in 1985 involved a person who purportedly obtained citizenship illegally. There have been unconfirmed rumors that several other persons also were stripped of citizenship and deported following the 1985 bombings.

All non-Kuwaitis in Kuwait over the age of 21 must have the sponsorship of a Kuwaiti citizen. Kuwait does not extend permanent residence to its expatriate population, although in 1985 the National Assembly debated the advisability of extending residence and property ownership privileges to expatriates. Employers have the power to restrict job mobility and the continued residence in Kuwait of their expatriate employees. Many expatriates (including some government employees, such as teachers) must surrender their travel documents to their employers, thus preventing them from leaving the country without the employer's consent. Those employed by government agencies are given residence visas which require an exit permit or "no objection" letter in order to leave the country. Non-Kuwaitis convicted of crimes are routinely deported after serving their sentences.

Illegal entrants to Kuwait are normally returned to their home countries; exceptions have been made for those persons, mostly Iranians and Afghans, who are considered by the Government to be legitimate refugees and have been permitted to remain in Kuwait or sent to third countries. Most members of Kuwait's large Palestinian population have Lebanese or Jordanian travel documents. Since 1984, undocumented Palestinians, and those with Lebanese documentation, have received commitments from the Government that they will be allowed to stay even without sponsors, although Palestinian youths over 21 years of age who travel or study outside Kuwait often have difficulty rejoining their families in Kuwait.

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

The Al-Sabah, a family of Bedouin origin, have ruled Kuwait for over 200 years. The 1962 Constitution limited succession to descendants of Mubarak the Great, the ruler at the turn of this century. In practice, the ruler and senior family members choose the Crown Prince from either the Al-Jaber or the Al-Salim branch of the Al-Sabah. Under the Constitution this choice is confirmed by majority vote of the National Assembly. Executive power is vested in the ruler and, under him, in an appointed Council of Ministers whose chairman by tradition is the Crown Prince.

Upon independence, Kuwait inaugurated a National Assembly composed of 50 deputies, elected by secret ballot, plus cabinet members (presently 16, including the Prime Minister), sitting ex-officio. Candidates for the National Assembly are self-nominated; multiple candidates compete for the 50 seats. A "grandfather clause" effectively limits suffrage to adult

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males who resided in Kuwait before 1920 and maintained a residence there until 1959, and their descendants. Women's suffrage was considered and rejected by the National Assembly in 1982. A Kuwaiti women's organization was unsuccessful in 1984, both in its attempts to register women to vote and to take the issue to the constitutional court. The issue is likely to be debated in future National Assembly sessions, particularly in light of an Islamic ruling in 1985 that women should not have the right to vote.

The National Assembly reviews government policy and programs, including budgets, makes recommendations, and questions ministers on a variety of subjects, especially their ministries' responsiveness in public services. Government policy is criticized in the Assembly, which only rarely rejects government-proposed legislation, but which is capable of exerting sufficient pressure on the government to cause it to modify its legislation to satisfy Assembly desires. Constitutionally, the National Assembly can bring down the Government or force individual cabinet members to resign. Since the Prime Minister is by tradition also the Crown Prince, the Assembly has forced the entire cabinet to resign only once. Should the Assembly declare that it is unable to work with the Government, the Amir may dismiss the Government. He has the option, however, of dismissing the Assembly and calling new elections. As a result of debate in the 1985 Assembly, the Justice Minister, who was a member of the ruling family, resigned before a vote of confidence was taken against him.

Informal contacts between rulers and ruled are an important feature of the Kuwaiti political system. Traditionally, adult male Kuwaitis have had relatively easy access to their tribal and religious leaders, the heads of the prominent merchant clans, and to the ruling family itself through the system of "diwaniyyas," informal discussion groups to which anyone can come and freely speak his mind. That custom has endured, as has the tradition that the Amir should govern in consultation with the other community leaders. High-ranking officials are also approachable through "wasta," the use of influential family members or acquaintances as intermediaries in obtaining favors or a more favorable hearing for one's case.

While most male Kuwaiti citizens can participate directly or indirectly in the political process, noncitizens, who outnumber Kuwaitis by three to two, have no role. Kuwait has been reluctant to extend citizenship to those of non-Kuwaiti origin, with the exception of certain stateless Bedouin. Naturalization of even Kuwait-born persons is rare. This anomaly is particularly striking for the 300,000 Palestinians, the second largest segment of the population. Citizenship has been extended only to a few Palestinian families who made significant contributions to Kuwait before the early 1970's. The Government has established a committee to draw up criteria for granting citizenship but the results of its deliberations are not expected in the near future. Expatriates seldom engage in political activities for fear of exposing themselves to possible deportation.

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

Amnesty International, in its 1985 report, expressed concern that during 1984 political prisoners were tried in camera with

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no right of appeal and that some of the hundreds of people deported from Kuwait could become prisoners of conscience and face torture or execution in their homelands. Freedom House calls Kuwait "partly free." There are no known current requests by nongovernmental organizations to examine human rights in Kuwait.

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Kuwait's population of 1,710,000 is growing at the rate of 3.5 percent a year. The Government has an extensive social welfare program to spread the benefits to all citizens of the extremely high per capita gross national product, estimated by the World Bank to have reached \$17,880 in 1983. The distribution of this wealth is heavily skewed in favor of Kuwaitis.

The major social distinction in Kuwait is between Kuwaiti nationals, who comprise only 40 percent of the population, and expatriates. Ownership of commercial establishments (above 49 percent), real estate, and shares on the local stock market (the principal sources of private wealth in this capitalist economy) is open only to Kuwaitis. Kuwaiti labor laws give priority in employment to Kuwaitis, then Arabs, and lastly other foreigners. The current economic recession threatens the expatriate community by encouraging efforts to reduce the number of long-term resident non-Kuwaitis. Many have begun to look for employment outside Kuwait.

Programs are designed to provide Kuwaitis with housing, family allowances, retirement income, medical care, education, and employment. Improved health care has resulted in a drop in the infant mortality rate to 20.5 per 1,000 live births and an increase in life expectancy for Kuwaitis, as of 1985, to 71.7 years. Although exact figures are unavailable, few if any persons are below the absolute poverty level and malnutrition has been effectively eliminated. In 1980, the adult literacy rate for Kuwaitis was 67.5 percent.

White collar and skilled expatriate workers often earn the same base pay as Kuwaitis, but receive less in fringe benefits. Benefits restricted to Kuwaiti citizens include higher government salaries, additional government stipends and social allowances, and, in general, retirement pensions. Resident expatriates are entitled to some medical benefits. Public schooling is offered, with some exceptions, only to children of expatriates who arrived in Kuwait prior to 1963, although the Government subsidizes tuition for students in a number of Arabic language elementary and secondary schools. Kuwaitis are given preference for admission to the University of Kuwait. Unskilled expatriate workers, however, earn much less money and usually are not permitted to bring their families to Kuwait. Some of these workers live in crowded apartments or work camps.

General conditions of work are established by Kuwaiti labor law for both the public and private sector, with the oil industry treated separately. The law limits the work week to 48 hours, provides for a minimum of 14 days leave per year, establishes a compensation schedule for industrial accidents, and establishes a minimum age of 18 years for full-time work, or 14 years for part-time work. Women are permitted to work except in "dangerous industries and trades harmful to the health," and are promised "equal remuneration to that of a man

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provided she does the same work." There is no legal minimum wage, but this has little impact in practice since Kuwait is not a low-wage country. Reflecting the importance of the petroleum industry in Kuwait, the law governing employment in this sector is more generous than the general laws. It provides for a 40-hour workweek, overtime pay for shift work, 30 days annual leave, and a generous sick leave policy.

There are two ministerial orders that supplement the above laws. Number 14 (1970) established an interministerial board to resolve labor disputes and Number 42 (1979) created a permanent commission to coordinate activities in the field of public health and occupational safety.

Kuwaiti women are allotted a subordinate role by statute and practice. Denied the vote, women are also limited by tradition from freely choosing their role in the society, though less so than in some other Islamic countries. Nevertheless, there are Kuwaiti women who are outspoken in their demand for a broader role in society. In contrast to the practice in some neighboring countries, a Kuwaiti woman is permitted to drive a car, may wear Western dress in public, and has legal access to higher education inside and outside the country. Although women have yet to join the work force in large numbers, they are able to compete for government and corporate employment and have the right to litigate against men (for example, in child custody suits). Many women have accumulated substantial personal wealth. However, the Government has restricted women from being assigned abroad in Kuwait's diplomatic service. Some prominent, educated women also are wary of current fundamentalist trends which they fear may lead the Government to restrict their freedoms as a price for fundamentalist restraint on other issues.

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Formally, Lebanon is a constitutional democracy with a directly elected, unicameral Parliament which chooses the President. Political power is divided on the basis of a formal Constitution and in accordance with the unwritten, confessionally-based National Pact of 1943, which provides for a Maronite Christian President, a Sunni Muslim Prime Minister, and a Shi'ite Muslim Speaker of Parliament. The National Pact also provides for the proportional allocation of government positions among various religious groups on the basis of the 1932 national census.

Ten years of war, however, have drastically reduced the authority of the central Government and its ability to safeguard human rights and have seriously undermined the country's democratic institutions. Unofficial militias have seized control of much of the country, where they, in effect, govern the civilian population and enforce their own version of justice without regard to the central Government or legal norms. Moreover, the presence of foreign forces has greatly diminished those areas under government authority. Although Israel withdrew the bulk of its forces from South Lebanon during 1985, the Lebanese Government has yet to extend effective authority to that region. Through the presence of an estimated 30,000 troops, Syria continues to control large parts of northern Lebanon as well as much of the Biga' Valley. Even in those few areas of Lebanon under nominal central government control, the authority of the State and its security services does not go unquestioned.

Already seriously disrupted by a decade of war, Lebanon's free enterprise economy deteriorated even further in 1985. Business confidence dwindled, new investment stagnated, and remittances from Lebanese abroad dropped to the lowest level since 1975. The value of the Lebanese pound plummeted, causing a serious decline in the standard of living of most Lebanese.

The year 1985 brought no overall improvement in the human rights situation. As in previous years, major battles fought in densely populated areas intentionally or unintentionally cost the lives of hundreds of civilians and displaced thousands of others. Noncombatants far from the fighting have also been the targets of violence, such as terrorist bombings, random shellings, assassinations, and abductions. Freedom of movement between East and West Beirut and to much of the country was severely limited.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

Rival factions routinely kill for political motives. Such killing has not been restricted to soldiers and militiamen; it has also been used frequently against noncombatants. Both indiscriminate and carefully planned attacks against civilian targets continued to occur throughout 1985, killing hundreds and wounding, endangering, and displacing thousands. While forces outside of government control were responsible for most of these killings, opponents of the Lebanese Government charge that security forces and the Lebanese Army also carried out such attacks during the past year.

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Such political killing has resulted from both conventional warfare and terrorist attacks. In 1985, residential areas in greater Beirut, Sidon, and elsewhere in South Lebanon were frequently the target of random shelling, whose purpose often appears to have been to kill or intimidate civilians. Terrorist attacks in the form of massive car bombs indiscriminately killed several hundred civilians in East and West Beirut, Tripoli, the Biqa' Valley, and South Lebanon. In all instances, these explosions took place in neighborhoods or villages in which one confessional group predominates, and thus appear to have been aimed against that group. The car bombs were usually detonated in crowded areas in order to maximize casualties.

The cycle of violence in South Lebanon intensified in early 1985 but gradually diminished as Israel began to withdraw its forces. Before and during the withdrawal, Israeli and Israeli-backed forces raided a number of villages in South Lebanon to apprehend persons suspected of carrying out attacks against them. An undetermined number of these persons were killed or arrested. By late 1985, the cycle of attacks and counterattacks had subsided but not ended.

In the fall of 1985, Syrian artillery shelled Tripoli, intervening in a fight between local militias and siding with forces opposed to the fundamentalist Islamic Unity Movement (Tawhiid) which controlled the city. In an apparent effort to break the will of Tripoli's besieged defenders, Syrian artillery units forced the closing of the port and systematically destroyed selected portions of the city, resulting in an undetermined loss of life. The role of Syrian infantry in the battle remains unclear, although Syrian ground forces later policed the subsequent cease-fire in Tripoli.

Heavy fighting also occurred among other groups, most notably between Lebanese Shi'a and Palestinians in and around the refugee camps in West Beirut. These clashes resulted in several hundred deaths on each side, including both militiamen and civilians.

In addition to random acts against civilians, there have been numerous assassination attempts against prominent political and religious figures. These assassination attempts took the form of ambushes, rocket attacks on homes, and car bombings. Attacks on foreign diplomats in Beirut continued in 1985. One diplomat, a Soviet, was killed. In June, members of the Lebanese Shi'ite militia Hizballah hijacked a TWA airliner and held its passengers hostage. The hijackers murdered one American, and seriously endangered the lives of the other hostages. Finally, at year's end, two Lebanese Jews, part of a group of six kidnaped earlier in the year, were killed. Responsibility for the killings was claimed by a hitherto unknown group, Organization of the Oppressed on Earth.

b. Disappearance

Thousands of Lebanon's inhabitants have disappeared since the beginning of the war in 1975. Private militias and foreign forces, rather than official Lebanese security services, appear to be responsible for most of these kidnappings. The victims were abducted primarily by militiamen at roadblocks or in ambushes, and many were probably summarily executed. Most of these persons remain unaccounted for, but occasional hostage exchanges and releases do occur.

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During 1985, politically motivated kidnappings continued unabated. Abductions were particularly prevalent in West Beirut and along the so-called Green Line, which divides predominantly Christian East Beirut from mostly Muslim West Beirut. Some Lebanese were kidnapped because of their affiliation with rival militias. Most, however, were civilians abducted simply on the basis of religion. The Lebanese victims included, for example, Muslims traveling to East Beirut, Christians living or working in West Beirut (including Christian passengers and airline employees trying to reach the airport in West Beirut), and six members of the small Beirut Jewish community. In 1985, the number of foreign diplomats, journalists, clergymen, academics, and others who were kidnapped in West Beirut escalated. A few were eventually released, but over 10 U.S., French, and British nationals remain hostage.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Overwhelmed by the presence of private militias and foreign forces, the official Lebanese security services control so little territory that relatively few allegations of torture are made against them. In its report, "Torture in the Eighties," Amnesty International noted that it had received allegations of "some cases of torture" in Lebanon.

Almost no reliable information is available on the treatment of prisoners held by Lebanese militias, Syrian occupying forces, the Israeli-sponsored Army of South Lebanon, or Palestinians. Allegations of brutal treatment abound, but it is impossible to determine to what extent these allegations, which are often leveled by archenemies, reflect actual practices.

d. Arbitrary Arrest, Detention, or Exile

Under Lebanese law, a suspect must be arraigned before an accusation committee (a panel of three judges) and the prosecutor within 48 hours, but government prosecutors sometimes hold suspects indefinitely for interrogation without reference to a judge. Every prisoner has the right to legal counsel, but there is no public defender's office. Bail is permitted in most cases.

No militia or foreign occupying force observes the legal safeguards which the Government is committed to apply in arrest cases. In general, persons arrested by these groups are denied access to the judicial system and to due legal process. Various militias detain individuals arbitrarily for indefinite periods, often to be exchanged for persons held by rival militias. Such detainees, are frequently held incommunicado. In addition to politically motivated abductions, some militias presume to enforce law and order in regions under their control, arresting, imprisoning and, in at least one instance, executing individuals on purely criminal charges.

In 1985, representatives of the International Committee of the Red Cross (ICRC) continued to visit Lebanese and Palestinian detainees held in several Israeli prison camps in South Lebanon. The Israelis dismantled these camps as they withdrew from Lebanon. Several hundred prisoners were transferred from Ansar, Lebanon, to Atlit, Israel, during this withdrawal. All were released by September. The Army of South Lebanon, an Israeli-backed militia, maintains a detention center in Khiyam,

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which neutral observers have not been allowed to visit. The Government does not, as a rule, arrest or exile its political opponents. Fear of assassination by political rivals has, however, driven several prominent Lebanese into voluntary exile, and the general decline in public security has stimulated the emigration of many Lebanese.

The Government does not resort to forced labor. In the present anarchy, however, militias have forced workers, especially immigrant laborers, to perform unpaid duties such as filling sand bags for use in building defenses against attack. Such forced labor typically ends when tensions lessen.

e. Denial of Fair Public Trial

Lebanese law, practice, and custom provide the right to a fair public trial. A decade of war, however, has disrupted the judicial process, and many cases remain unadjudicated. Trial delays result, for example, from the difficulty of conducting investigations when most of the country remains beyond effective government control, from a shortage of judges, and, most importantly, from the general breakdown in security.

Although Lebanese police and courts are present throughout the country, the disposition of criminal cases ultimately depends on the group in power locally. For example, militias frequently intervene to protect their supporters from detention and prosecution.

The Government does not sentence persons to imprisonment for essentially political beliefs or acts. As noted above, however, militias frequently arrest and imprison members of opposing political and military groups.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government has generally evinced no interest in controlling personal life. The law requires the Government to obtain the equivalent of a warrant before entering homes, except when the Lebanese Army is pursuing an armed attacker.

Rights of privacy, however, have been frequently violated in the course of military operations mounted by the army, militias, and foreign forces in Lebanon. All of these groups have attempted to gather intelligence on their adversaries, including by informer networks and telephone monitoring.

In 1985, armed groups in many sections of the country violated the sanctity of the home by deliberately shelling residential areas, destroying houses, and killing and wounding their occupants. During the first part of the year, withdrawing Israeli forces in South Lebanon demolished the houses of numerous persons suspected of anti-Israeli activities. Shelling and sniping reportedly continues in those areas of South Lebanon still under the control of the Israeli Armed Forces and the Israeli-backed Army of South Lebanon. In April and May, Muslim militias overran predominantly Christian villages in the Iqlim Al-Kharrub and east of Sidon, forced their inhabitants to flee, and thus displaced thousands of families. Throughout 1985, shelling of nonmilitary targets occurred in the greater Beirut area, almost always in densely populated residential neighborhoods.

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Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Lebanon has a strong heritage of freedom of opinion, speech, and press. The Government has traditionally protected the rights of those who have opposed government policies through peaceful means. In 1985, however, at least one person was detained several weeks for criticizing the Government.

Dozens of newspapers and magazines representing a broad spectrum of opinion are freely published, and the Government has tolerated the activities of extralegal radio and television stations operated by widely diverse political groups. There are reports that the Government occasionally advised newspapers against running specific articles. Such instances appear rare, however.

Intimidation of journalists by militias and terrorists constituted the most serious threat to press freedom. In 1985, several Western journalists were abducted, and some remain in captivity. As a result, most other leading foreign journalists left the country. The offices of the leading leftist daily, As-Safir, were ransacked in West Beirut. Israeli forces at times banned journalists from certain sections of southern Lebanon. Christian militias have prevented the regular distribution in East Beirut of several leftist dailies. Intra-Christian rivalry resulted in the seizure of the Phalange Party newspaper Al-Amal by the Lebanese Forces militia and the temporary detention of its editor. This rivalry also caused a brief disruption in the publication of Le Reveil, a Christian newspaper generally sympathetic to the President.

The continued breakdown in security in 1985 greatly disrupted schools and universities to the detriment of academic freedom. Terrorists and militiamen, who continued to intimidate university faculty and administrators, represented a serious threat to Lebanon's long tradition of academic freedom. In 1985, two U.S. nationals, the dean of agriculture of the American University of Beirut (AUB) and the director of the American University Hospital (AUH), were abducted. In late 1984, an American librarian at AUB also disappeared. Several Lebanese employees of AUB and AUH were abducted over the past year as well.

b. Freedom of Peaceful Assembly and Association

The Government places no restrictions on the right of free assembly, as long as it does not incite popular unrest. Many groups in Lebanon exercised their right to engage in peaceful public demonstrations during the past year.

The major constraint on this freedom came from the militias and foreign forces. In areas under the exclusive control of one militia, demonstrations or open shows of support for rival militias or political groups are not permitted. In South Lebanon, the Israelis had at times allowed peaceful demonstrations against their presence. On other occasions, they dispersed such demonstrators.

Political groups, such as those which opposed the Israeli occupation, are not permitted to operate freely in areas still under the control of the Israeli-backed militia. The Syrians do not, in general, accept groups hostile to them in the areas which they occupy.

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Lebanon has traditionally enjoyed democratic labor and management institutions. Collective bargaining and the right to strike continue to exist, despite 10 years of war. However, with unemployment reaching 30 to 50 percent in certain sections of the country, traditional labor practices have become increasingly irrelevant. There are no current statistics on union membership. Employees remain highly organized in the banking industry, which is one of the few sectors of the Lebanese economy which continues to function at near former levels. Lebanon's major labor union negotiates annual wage increases with the Government to offset inflation.

c. Freedom of Religion

The Government affirms the right of freedom of worship, and Lebanese practice their various religions with a great degree of liberty.

The 1943 National Pact essentially allocated political power on a confessional basis, according to the proportion of various religious groups in Lebanon as determined by the 1932 census. The unwritten National Pact stipulated that the President would be a Maronite Christian, the Prime Minister a Sunni Muslim, and the Speaker of Parliament a Shi'ite Muslim. Seats in the Parliament were divided on a six to five ratio of Christians to Muslims. Positions in the government bureaucracy were allocated on a similar basis. Some religious groups thus enjoy greater institutionalized political power than others, and it has been frequently charged that politically powerful groups influenced government policies to the economic benefit of their coreligionists. Efforts to alter or abolish the confessional system of allocating political power have been at the center of Lebanese politics for more than three decades. Those religious groups most favored by the 1943 formula have sought to preserve it, while others who feel disadvantaged by it have sought to revise it on the basis of new demographic realities or to abolish it entirely. This struggle has given a strongly religious coloration to Lebanese politics and to the continuing civil strife there.

The intensification of religious hatreds has led away from confessional mixing and towards confessional segregation. Today Lebanese live more and more in neighborhoods and villages inhabited exclusively by one religious community. Many fear to travel to areas where other sects predominate.

Few Muslims live, for example, in East Beirut or openly practice their religion in predominantly Christian areas. Many Christians fled mainly Muslim West Beirut during 1985, complaining of increasing efforts to enforce Islamic mores and of a severe deterioration in public security. In the spring of 1985, several thousand Christians were forced by various Muslim militias to abandon their homes in the Iqlim Al-Kharrub, Sidon, and the villages east of Sidon. Many of these displaced persons have sought refuge in Jazzin, in other Christian towns in South Lebanon, or in the predominantly Christian areas east and north of Beirut. Lebanon's tiny Jewish minority has been intimidated by kidnappings during 1985, and very few Jews remain in their traditional neighborhood in West Beirut.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government does not restrict foreign travel by Lebanese citizens. Emigration and dual citizenship are permitted.

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There is no impediment to voluntary repatriation by Lebanese with valid identity papers.

Lebanon historically has been a land of asylum. During this century, it has given refuge to thousands of Armenians and Palestinians, as well as to smaller numbers from other Middle Eastern ethnic and religious groups. Lebanon's political and economic troubles in recent years have greatly diminished its appeal to refugees. Relatively few sought asylum there in 1985.

Lebanon's relationship with the Palestinian community has been difficult. Most Palestinians, like other foreigners, have not been able to obtain Lebanese citizenship. Their status as a "state within a state" under the 1969 Cairo accords and their involvement in internal fighting from 1975 until 1982 resulted in the bitter enmity of many other groups. In the wake of the 1982 conflict, many Palestinians have encountered difficulty in renewing residence permits and travel documents, and delays still continue. In 1985, some Palestinian combatants returned to Lebanon, and there were serious battles between them and Shi'ite Lebanese fighters.

Lebanese traditionally enjoyed freedom of internal travel, but this freedom has been greatly circumscribed by militia groups which have established checkpoints to keep those deemed undesirable out of areas under their control. The so-called Green Line bisecting East and West Beirut remained closed for lengthy periods, effectively dividing the city and paralyzing many aspects of daily life in Beirut. Crossing the Green Line even when it was officially open remained extremely risky.

Israeli forces and the Israeli-sponsored Army of South Lebanon maintained tight restrictions on the movement of people and goods into and out of areas which they occupied. For approximately five months, the Syrian Army imposed a travel permit requirement on Lebanese crossing into and out of Syrian-controlled territory in North Lebanon. This requirement seriously hindered travel between Beirut and the north.

Because of the closure of the Green Line, fighting and kidnappings along the road to Beirut International Airport, and chaotic security conditions of the airport itself, many Lebanese encountered serious difficulties in traveling abroad. Travelers unable or unwilling to risk using Beirut International Airport, which is located in West Beirut, had the option of traveling overland to Damascus or using the ferry to Cyprus.

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

Formally, Lebanon is a parliamentary democracy. According to its Constitution, direct elections must be held for its 99-member Parliament every 4 years. Parliament, in turn, elects a president every 6 years, and the President appoints a cabinet which must obtain the confidence of Parliament. Political parties may be formed. Women enjoy the same civil rights as men.

A decade of political turmoil, growing militias, and foreign occupation has robbed these democratic institutions of much of their substance. No parliamentary elections have been held since 1972. Although Parliament, the Presidency, and the Cabinet continue to exist, their effective authority does not

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extend to most of the country, which is under foreign occupation or militia control.

In the past decade, violence has dominated the political process, as militia groups and foreign forces have resorted to force to gain their way. Leaders of the major factions met in Lausanne, Switzerland in March 1984 and agreed on a program for national conciliation. These leaders later formed a National Unity Government, whose efforts to implement the national conciliation program have so far not succeeded. In March 1985, the Cabinet ceased to meet regularly. In effect, Lebanon existed without a functioning Cabinet for most of 1985.

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

The Government has a mixed record in dealings with international human rights groups, and indigenous groups have not pressed the Government strongly on human rights issues. Families of missing persons demonstrated along the Green Line on several occasions in 1985, but these protests appear to have been directed against the private militias more than the Government. The ICRC functions widely in Lebanon. In its 1985 Report, Amnesty International expressed concern about arbitrary arrests and detentions, including incommunicado detention, abductions, torture, and extrajudicial killings in regions of Lebanon under the effective control of the Government, the Israel Defense Forces, the Syrian Army, and a number of Lebanese militias. Freedom House rates Lebanon as "partly free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Lebanon's population of 2,619,000 is growing at the rate of 2.1 percent annually. Lebanon attained a high degree of prosperity in the 1950's and 1960's by acting as an entrepot and service center for much of the Middle East. During this period, wealth tended to concentrate in Beirut and, according to some, was channeled into the hands of members of the more powerful religious communities.

Continuing civil strife has destroyed the basis of Lebanon's prosperity. Beirut's port and airport were closed frequently; tourism virtually ended. Many multinational firms moved their regional offices from Beirut to other capitals. Remittances from Lebanese workers abroad declined sharply, as did industrial production. Many banks faced large outstanding loans which they could not collect. The economy of South Lebanon was seriously harmed during the Israeli occupation because of restrictions on the flow of people and goods to and from this area. Since the Government of Lebanon does not control its border with Syria, it loses substantial revenues due to widespread smuggling. Unemployment continued to rise in 1985, although no accurate statistics exist. Underemployment also remained a serious problem, since many employers have reacted to the economic slump by putting their employees on short time.

In 1985, the Government continued to face great difficulty in dealing with the war's economic and social consequences. The loss of control of much of the country to militias and foreign armies drastically reduced its ability to collect direct taxes, and the intermittent closure of Beirut's ports and smuggling

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through private, militia-run ports greatly diminished the collection of customs fees which traditionally supplied the bulk of government revenues. In effect, government revenues have virtually ceased, and expenditures are reduced mainly to paying the salaries of civil servants through deficit financing. Although the Council of Reconstruction and Development has, for example, financed a few public road projects, the Government has little ability to respond to the needs of the population. Subsidies of wheat and petroleum products continue, but it is uncertain how long the Government can sustain them, particularly in view of the spread of malpractices in the trade of these commodities.

The economic welfare of most Lebanese continued to decline in 1985, with the country remaining divided and the Lebanese pound faltering. The most depressed areas are those parts of the cities, especially Beirut and its suburbs, which have suffered most from the impact of the war and from the influx of displaced persons. Hardships in these areas are mitigated somewhat by the distribution of funds and commodities by religious and other relief organizations. The rural population appears to maintain a reasonable income, as agricultural production continues at historically depressed but still significant levels.

The infant mortality rate is 41.60 per 1,000 live births and life expectancy at birth is 65.93 years. The adult literacy rate is about 68 percent. During the era of prosperity before the war, Lebanon's medical and educational facilities had attained a level unmatched in the other Arab countries of the region. Both have since declined because of the war and domestic turmoil.

Lebanon has comprehensive labor laws covering a range of issues involving workers' rights, including minimum wages, safe working conditions, length of the workweek, child labor, and annual holidays. However, given the civil strife engulfing the country, it is not known whether these statutes continue to be enforced.

Women enjoy equality of civil rights and attend institutions of higher learning in large numbers. Religion, social tradition, and the prevailing atmosphere of insecurity and economic hardship make it difficult, however, for women to expand their participation in Lebanon's social, political, and economic institutions. The women's organizations that do exist are, for the most part, subordinate arms of political parties which work to advance the interest of the parent party rather than that of women in general.

U.S. OVERSEAS - LOANS AND GRANTS - OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S. FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: LEBANON

	1983	1984	1985	

I. ECON. ASSIST.-TOTAL...	52.2	28.4	20.4	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	52.2	28.4	20.4	
A. AID	52.2	28.1	19.9	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	52.2	28.1	19.9	
(SEC. SUPP. ASSIST.)...	9.6	27.8	13.8	
B. FOOD FOR PEACE.....	0.0	0.3	0.5	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.3	0.5	
TITLE I-TOTAL.....	0.0	0.0	0.0	
REPAY. IN 3-LOANS.....	0.0	0.0	0.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	0.0	0.3	0.5	
E. RELIEF. EC. DEV 3 WFP.	0.0	0.3	0.5	
VOL. RELIEF AGENCY.....	0.0	0.0	0.0	
C. OTHER ECON. ASSIST...	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
PEACE CORPS.....	0.0	0.0	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II. MIL. ASSIST.-TOTAL...	101.7	15.6	0.7	
LOANS.....	100.0	15.0	0.0	
GRANTS.....	1.7	0.6	0.7	
A. MAP GRANTS.....	0.0	0.0	0.0	
B. CREDIT FINANCING....	100.0	15.0	0.0	
C. INTL MIL. ED. TRNG...	1.7	0.6	0.7	
D. TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E. OTHER GRANTS.....	0.0	0.0	0.0	
III. TOTAL ECON. & MIL...	153.9	44.0	21.1	
LOANS.....	100.0	15.0	0.0	
GRANTS.....	53.9	29.0	21.1	

OTHER US LOANS.....	0.0	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	0.0	0.0	

ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1933	1934	1985	1946-85

TOTAL.....	0.6	6.5	0.0	259.9
IBRD	0.0	0.0	0.0	166.6
IFC	0.0	0.0	0.0	9.3
IDA	0.0	0.0	0.0	0.0
IDB	0.0	0.0	0.0	0.0
AOB	0.0	0.0	0.0	0.0
AFOB	0.0	0.0	0.0	0.0
UNDP	0.6	1.5	0.0	36.0
OTHER-UN	0.0	0.0	0.0	8.0
EEC	0.0	5.0	0.0	40.0

LIBYA*

The Socialist People's Libyan Arab Jamahiriya describes its form of government as "popular democracy." Although in theory political power is vested in "the masses" under the guidance of the People's Congress and its executive arms, the People's Committees, in practice the country is ruled by a charismatic military leader, Colonel Mu'ammr Al-Qadhafi, aided by extragovernmental "Revolutionary Committees." The governing principles of the society are expressed in Qadhafi's "Green Book" rather than in the Constitution. Qadhafi has created a political system that borrows from pan-Islamic and pan-Arab sources, purporting to establish a "third way" superior to both capitalism and socialism. Despite the local level participants in government, Qadhafi, though holding no formal government position, is the primary decisionmaker on all important issues.

Libya's security apparatus operates at various levels, involving not only Qadhafi's personal bodyguards and the official country-wide police/interior establishment, but also the Revolutionary Committees and Basic People's Committees which act independently of other authorities when encouraged by Qadhafi. The result is a complex of multilayered tight controls, not necessarily explicitly dictated, over individual activities and freedoms. The conservative attitudes of a strict Islamic society produce further restrictions on the individual freedoms and rights of certain groups, e.g. businesspersons. Qadhafi has sought to provide greater equality for women in education and employment but has faced serious resistance from his conservative countrymen.

Libya has used much of its considerable oil income of recent years to finance internal development (new schools, hospitals, roads) and generally to increase the standard of living of the people. Qadhafi has, however, diverted substantial resources to the acquisition of large quantities of weapons and to foreign military adventures, e.g., intervention in Uganda and two invasions of Chad. Further, the recent decline in oil revenues has forced retrenchment: significant parts of Libya's 1981-85 development plan have been dropped, foreign exchange controls have been tightened, and imports have been restricted. Most recently, Qadhafi's move to expel thousands of foreign workers has in some cases hit directly at key public services, e.g., bread lines have resulted from the departure of Tunisian bakers.

Libya's human rights record, poor since Qadhafi seized power in 1969, showed little improvement in 1985. Although there was no incident comparable to the 1984 coup attempt, with its subsequent brutal and widespread purge, there were continued reports of torture and abuse. Qadhafi has urged a reduction in the number of offenses subject to capital punishment, but he not only made it clear that such sentences would continue to apply to political acts against the regime but also reiterated his call for the searching out and execution of the regime's "enemies abroad." Treatment of foreigners worsened, as reflected not only in the summary expulsion of some 65,000 foreign workers but also in the illegal detention of foreigners, including 4 British citizens detained for some 10

*Since the U.S. has no officials present in Libya and since Libya's media is tightly controlled, this report draws heavily on unofficial sources.

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months as hostages in an effort to blackmail the British Government.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

Although there was no repeat of the widespread summary executions and public hangings (carried on television) which followed the coup attempt of May 1984, 1985 saw at least four possible coup attempts with subsequent arrests and punishments for those accused. In early 1984, the Government directed resumption of assassinations of Libyan exiles and announced the formation of "suicide squads" to hunt down and kill Libyan dissidents abroad. In September 1985, Qadhafi explicitly stated that the death penalty was still appropriate for individuals who refused to repent and reiterated his call that they be searched out and killed. A year after the attempted assassination of former Libyan Prime Minister Abdel Hamid Al-Bakoush in November 1984 in Cairo, confirmed by Libya's official news agency as the act of Libyan "commandos" whose job was to eliminate "stray dogs abroad," Egyptian authorities in November 1985 announced the arrest of another four-man Libyan "hit team" which had again targeted Bakoush and other Libyan dissidents in Egypt. The Egyptians stated that their investigation revealed that this was but one of seven such Libyan teams being trained for such missions.

b. Disappearance

Unofficial elements such as the Revolutionary and Basic Peoples Committees continue to carry out arrest and detention of suspected opponents of the Government, with the encouragement of Qadhafi. Such persons, as well as those detained by the official security establishment, may be held incommunicado for unlimited periods without further information as to their condition, whereabouts, or the charges against them. This has been particularly the case for many rounded up in the wake of the May 1984 coup attempt.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Continuing reports of torture and mistreatment of prisoners received graphic confirmation in the televised "trials" following the May 1984 coup, in which some of the accused clearly showed evidence of abuse. Detainees in criminal and security cases reportedly are regularly beaten during interrogation. In some prisons, conditions reportedly are tolerable but, according to information received by Amnesty International, conditions of detention for political prisoners have worsened, including transfer to overcrowded cells and confiscation of reading and writing materials.

Mistreatment is not limited to Libyan nationals. In a case described by Amnesty International in its 1985 report, a Norwegian sailor reportedly died under torture in the custody of a Revolutionary Committee in May 1984. The Libyan authorities sought to attribute the death to suicide and the ship's authorities, before the ship was allowed to depart, were forced to apologize for this "suicide"--a violation of

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Islamic law. At the U.N. General Assembly in September 1985, the Libyan Foreign Minister reportedly agreed to pay \$500,000 in damages to the survivors to settle the case. There are numerous reports that foreign workers, summarily expelled from Libya in August and September 1985, were harassed and beaten in the course of their efforts to leave the country.

While Shari'a (Islamic) law is practiced in Libya, there are no reports that physical mutilation is used as a form of punishment. Amnesty International has expressed concern about the large number of offenses, including political offenses, which are punishable by death under Libyan law. For example, membership in an illegal organization is a capital offense. Qadhafi, in a September speech to the Peoples' Congresses, called for a review of the application of capital punishment, terming it "cruel" and not respectful of human dignity. However, he reaffirmed application of the death penalty to those already under detention or who plot against the revolution.

d. Arbitrary Arrest, Detention, or Exile

Under Libyan law, detainees may be held incommunicado for unlimited periods. Many allegedly are held without charge or trial, apparently as an example to would-be opponents of the regime. Libya declared several years ago that there were then "no political detainees on any charge in its prisons." Reports from a variety of sources, however, assert that the prisons contain increased numbers of persons convicted of, or held for, political offenses, including large numbers of persons arrested in 1984. Qadhafi has justified imprisonment on political, as opposed to criminal, charges. In a 1981 speech he stated, "Those who are put into prisons are there because they are the enemies of the people. There is no shame and there is nothing wrong in putting these persons in prison or in treading on them with your feet." In March 1985, in addressing the People's Congress, Qadhafi again encouraged Revolutionary Committees to investigate and arrest persons guilty of treason whose cases, for whatever reason, the police could not handle. Although he also opposed secret arrests, there is no evidence that this exhortation has resulted in any improvement in practice. Foreigners are not immune from arbitrary arrest. Four British citizens were arrested in 1984 and held for 10 months in apparent retaliation for the U.K.'s arrest of Libyans responsible for bombings and assassinations in the U.K. While Qadhafi disclaimed personal responsibility, stating that these arrests resulted from the action of "the people," he did acknowledge that the issue was "basically political." The four were eventually released following negotiations conducted on their behalf by Terry Waite, an aide to the Archbishop of Canterbury.

Exile is not a form of punishment practiced in Libya; to the contrary, Qadhafi seeks to exercise pressure on Libyans working or studying abroad to return to Libya. Libya does, however, engage in the arbitrary expulsion of noncitizens. In August 1985, it summarily expelled thousands of foreign workers, including more than 30,000 Tunisians and 10,000 Egyptians. They were expelled generally without the right to take more than minimal possessions, often without complete compensation for work performed or the right to transfer savings held in Libya, and in many cases were subject to harassment in the process of departure and had their travel documents confiscated. The International Labor Organization

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sent a team to Libya to investigate these actions, and a report is pending. (Two of the confiscated passports were later found in the possession of Palestinian terrorists in an attack at the Vienna airport in December.) In general, forced labor is not practiced.

e. Denial of Fair Public Trial

The normal court structure in Libya has been bypassed to a significant extent by the "people's courts," which conduct "show trials" and executions. This parallel legal system provides fewer safeguards, and trials are frequently held in camera or in absentia. A 1981 law prohibits the private practice of law and makes all attorneys employees of the Secretariat of Justice. The Union of Arab Lawyers, located in France, has expressed concern for the ability and freedom of attorneys simultaneously to provide legal defense for political prisoners and to serve as government employees. Libya claims that it "guarantees prisoners all necessary means of defense and safeguards of justice adequate to the principles contained in the Declaration of Human Rights" and provides for legal assistance "as soon as possible with respect to the exigencies of interrogation," but there are numerous reports that these rights are frequently denied. In security cases in particular, there are many reports of prisoners being held without trial for long periods. While undergoing interrogation, sometimes for periods of several months, they are given no access to legal representation. Alleged political offenses are increasingly tried before ad hoc "revolutionary courts" rather than under the normal judicial procedure, with the opportunities for defense severely restricted. Moreover a number of these "trials" have been held in secret. There is no precise estimate of the number of political prisoners in Libya. In the wake of the 1984 coup attempt, the number may have risen to several thousand.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Government recognizes no absolute right to privacy. The legal requirement that judicial warrants must be obtained before entering a private home is reportedly often disregarded. Local and international phone calls are routinely monitored. The informer network extends to the Revolutionary Committees and other local organizations and does not respect individual privacy. Libyan exiles claim that mere family ties to suspected regime opponents can result in harassment or even persecution by the authorities.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Although some difference of opinion is tolerated in People's Committee meetings and at the General People's Congress, in general freedom of speech is severely limited, particularly with regard to any criticism of the Government or Qadhafi. Freedom of speech and other basic civil and political freedoms are further restricted during periods of internal security crises. Libyan media are owned and controlled by the Government. JANA, the official news agency, is the designated conduit for politically acceptable opinions. It is impossible to publish opinions contrary to government policy. Foreign

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publications, if not banned outright, are severely censored. There is an underlying climate of fear and mistrust at all levels of society which further restricts freedom of speech.

b. Freedom of Peaceful Assembly and Association

The right of association is granted only to those institutions affiliated with the regime. Public assembly is repressed if it is not government-controlled and supportive of regime positions. Organizations such as trade unions and professional associations are viewed as threats by Qadhafi, who has vowed not to "accept intermediaries between the revolution and its working forces."

Unions are organized under government control and are administered through the popular committee system. Collective bargaining does not occur; there have been no reports of strikes (except by students) for years--presumably they are not permitted. An exiled opposition group in June 1983 appealed to the International Labor Organization to investigate "the oppressive record of the Qadhafi regime with regard to its treatment of workers and laborers and employees in Libya, with particular emphasis on violations of human rights agreements and conventions governing labor and labor unions." This group also charged that Libya has forced foreign workers and employees into military training with the intention of coercing them into military and subversive activities against their own countries.

c. Freedom of Religion

Libya is overwhelmingly Muslim. The regime has banned the once-powerful Sanusiyya Islamic religious organization in an apparent effort to eliminate any alternative power bases. Restrictions were placed on the operation of the organization's Zawaayaa (lodges), a government supervisor was appointed for Sanusi properties, and the Sanusi-sponsored Islamic University was merged with the University of Libya.

Services are apparently permitted in Christian churches, which are exclusively attended by the foreign community. There is a resident Catholic bishop and a small number of priests. Nuns reportedly are permitted to wear their habits.

Nearly all of the formerly sizable Jewish community has emigrated, and no information is available on the status of any Jews who may remain. Qadhafi has stated that he is opposed to Zionism, not Judaism, and that Arab nations should welcome Arab Jews who wish to return to their countries of origin. But in a speech in June 1985 he cited the Prophet Muhammed as stating that Judaism and Islam cannot coexist in the land of the Arabs and, in September 1985, virulently anti-Jewish broadcasts on Libyan radio called for anti-Jewish violence in areas of Tunisia within broadcast range.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

With the exception of security areas, internal freedom of movement is not usually restricted for Libyan citizens. An exit permit is required for travel abroad, and currency controls are imposed to restrict travel. Military conscription regulations deny the issuance of exit permits to potential inductees. It is reported to be increasingly

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difficult for Libyans suspected of inadequate revolutionary attitudes to travel abroad. Moreover, as part of the effort to control the outflow of foreign exchange, there are indications that the Government is limiting nonessential travel, such as tourism in Europe. Restrictions already limit the amount of currency which can be taken out of the country to \$1,000 (300 dinars) per year, regardless of the number of trips. Under Libyan Islamic law, wives may not leave the country without their husbands' permission; children may not travel without their father's consent. The right of return of Libyan nationals is fully protected, and theoretically extends to include opponents of Qadhafi, so long as they are prepared to "repent." However, this "right" often appears to be more of an obligation or threat, with calls for students and others working abroad, often under government subsidy, to return with little or no notice and without regard to the impact on their studies or work.

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

Major government decisions are controlled by Qadhafi or by committees acting in his name. He makes all appointments of military officers and official functionaries down to a low level. Power flows through a small circle of trusted associates, whose own authority is a reflection of their proximity to Qadhafi. Corruption has assumed major proportions, with adverse effects for local government.

Participation in elections is mandatory, and the candidates are cleared by the Revolutionary Committees from among persons who are not "merchants, contractors, tribal advocates, elections-brokers, officials of the former (pre-1969) government or people who have been attacked by the power of the revolution." Political parties and tribal or local groupings are prohibited, and involvement in such activities remains punishable by death.

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

In its 1985 report, Amnesty International expressed concern over renewed official calls for "physical liquidation of enemies of the revolution" and subsequent killings of Libyans at home and abroad; the continued detention and imprisonment of prisoners of conscience; the detention without trial of political prisoners; trials before People's Congresses without basic legal safeguards and resulting in executions; the systematic torture and ill-treatment of political and other suspects during the course of interrogations; and the death penalty. In its 1984 report on Violations of Human Rights in Libya, Amnesty International noted that it has registered repeated protests, calls for investigations, and appeals for the respect of human rights with the Libyan authorities, all without reply or signs of corrective action. Freedom House classifies Libya as "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Libya's population of 3,752,000 is growing at the rate of 3.2 percent annually. Per capita gross domestic product rose from \$5,560 in 1971 to \$11,700 in 1980 before slipping to about \$8,000 last year.

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Libya's substantial oil wealth has allowed the regime to improve living standards significantly, especially for the lower classes, despite major expenditures for military equipment. Oil revenues have provided the basis for the expansion of infrastructure providing services to the population such as schools and health facilities; they also fund the recruitment of foreigners to man these facilities, where Libyan human resources are inadequate.

Libya has generally abided by the reduction in its OPEC quota to 990,000 barrels per day and as a result has witnessed a sharp drop in its revenues. Budget expenditures in the past 3 years have been scaled back and the imposition of foreign exchange controls has sharply reduced imports of consumer goods, resulting in chronic shortages. Recent indications are that the supply of basic food supplies essential for balanced nutrition, particularly outside major urban areas, has been affected, with resulting impact on health standards. Similarly, the large-scale expulsion of foreign workers in August, in part a reflection of the need for greater economic austerity, has had an immediate impact on the quality of life and availability of services for many Libyans.

Investment in health facilities and marked growth in female literacy over the past decade have contributed to an increase in life expectancy at birth from 52 years in 1971 to 58 in 1984. The infant mortality rate is approximately 82 per 1,000 live births. Virtually all of the population has access to safe drinking water. Salt water encroachment into littoral aquifers is contaminating fresh water supplies in some urban areas, forcing the Government to undertake massive water projects.

No information is available on Libyan regulations governing workers' rights. In general, there is no evidence that child labor is a problem in Libya. Foreign workers are subject to arbitrary pressures such as changes in work rules and contracts with little option but to accept or depart, often without full compensation for work already performed. However, with the Government dependent in many cases on the skills of these expatriates, most foreign laborers are paid substantially more than would be possible in their home countries.

The traditional, conservative cultural attitudes of Libya's Islamic society serve to restrict the rights of certain groups, most notably women. Within the confines of Islamic beliefs, Qadhafi has taken a leadership role in efforts to change the status of women and expand their access to educational and employment opportunities. Although his proposal that women along with men be subject to military conscription was originally defeated, Qadhafi succeeded in having the decision reversed and women currently receive basic military training and are subject to a draft.

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The Republic of Maldives is a parliamentary democracy headed by a strong president. It is best described as an "emerging democracy." There are no political parties, and candidates for the unicameral legislature, the Majlis, run for office as individuals. The Majlis selects a single nominee for president, who is subsequently approved or rejected by the voters. All citizens over age 21 may vote. In practice, government control in this small, homogeneous society is exercised by a small elite with a common background and outlook, whose authority is generally and traditionally accepted by the population.

The Maldives is a nation of 1,200 islands in 19 atolls scattered across an area 500 miles long by 75 miles wide in the Indian Ocean. The isolation of individual island communities from each other, and of the Republic as a whole from the rest of the world, is a dominant feature of social and economic life. It is one of the world's least developed countries, with nearly half the population engaged in traditional activities such as fishing, harvesting and processing of coconuts, and small-scale farming.

The Maldives has not been subject to attack or invasion from outside for hundreds of years, and thus sees no need for a large defense establishment. The country's 800-1,000 strong National Security Service is responsible for maintaining internal law and order, protecting the President, defending the country, and preventing foreign fishermen from encroaching on Maldivian fishing grounds. The police division of the Service investigates crimes, makes arrests, and enforces house arrest.

There was little change in the human rights situation during 1985. Virtually universal adherence to Islam, the innate conservatism of a traditional society, and the high degree of homogeneity of the Maldivian people all underlie the relative absence of pressures for social and political change. The authority of the small ruling elite is widely accepted and open dissent is rare.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There were no reports of political killings in 1985.

b. Disappearance

In 1985, there were no reports of disappearances.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The 1968 Constitution stipulates that "under no condition shall a torture considered to be injurious be inflicted upon any person." This provision of law is upheld in practice and there were no reports or allegations of torture in 1985.

Maldivians follow Shari'a or Islamic law, and occasionally convicted criminals are flogged. Usually, however, punishment

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is confined to less physical means such as fines, payment of compensation, house arrest, imprisonment, or banishment to a sparsely populated island where the prisoner must labor to earn his daily keep.

d. Arbitrary Arrest, Detention, or Exile

The Constitution requires that "no person shall be apprehended or arrested, except on a verdict specified by Shari'a or (civil) law." There is no provision under Maldivian law for preventive detention, and incommunicado detention is not practiced. There were no reports in 1985 of persons being subjected to arbitrary arrest, detention, or exile. Acting on information or complaints received, the Attorney General's office passes the case to the appropriate court and the judge then instructs the police to undertake an investigation. The suspect is questioned at police headquarters and may, depending upon the charges, be detained or placed under house arrest for 15 days while the case is investigated. If the case is not brought to trial within 15 days, the suspect is freed. Detention or house arrest may be extended after the first 15 days by authority of the President, but usually for not more than 1 month. While there are no provisions for bail, an accused person held without bail who has valid reason to travel may receive permission to do so from the court handling his case.

Actions which "arouse the people against the Government" are illegal and persons can be arrested and charged with violation of this law, the penalty for which can be banishment to remote atolls of the Maldives. Forced labor does not exist, except in the case of persons banished to remote atolls, who must work to earn their keep.

e. Denial of Fair Public Trial

During trial, the accused may defend himself and call witnesses. He also may be assisted by a lawyer, but there are few lawyers and lawyers are not provided by the courts. The accused is sentenced by the judge; the length and type of sentence are established by law and custom.

There is a High Court and eight lesser courts in the capital at Male, each dealing with specific types of cases (e.g., debt, theft, property claims). On other islands there are courts that deal with all types of cases. Judges are trained in Islamic law, are appointed by the President and serve at his pleasure, and thus cannot be considered fully independent. Cases in island courts that present knotty legal points are referred to the appropriate specialized court at Male, whose judge may in turn refer the legal point to four judges attached to the Justice Ministry for assistance. The High Court acts as a court of appeal and handles political cases, such as the trials of the participants in an attempted coup d'etat in 1980 and of four Majlis members found guilty of bribery in 1983.

There are currently only three Maldivians serving sentences of banishment for crimes which can be considered political acts. These three were convicted either of participation in the 1980 coup attempt or of unconstitutional activities and taking bribes. In November 1985, President Gayoom pardoned about 400 prisoners who had served a specified portion of their sentences. None of the political prisoners were included in the pardon, however.

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f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits the opening, intercepting, reading, or making public of letters, telephone conversations, telegrams, and wireless messages exchanged between persons "except in accordance with the specific provisions of the law." There have been no reports of complaints in 1985 that the Government monitors correspondence or telephone conversations or uses a system of informers. There are no prohibitions on the importation of foreign publications, except pornography, and foreign broadcasts are not jammed. The Government does not interfere with the right to marry, or seek forcibly to resettle population.

The Constitution also requires that private premises and dwellings be respected and "therefore they shall not be entered into except under conditions and in a manner stipulated in the law." There have been no reports of practices to the contrary.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Constitution guarantees freedom of speech and expression "so long as the specific provisions of Shari'a and the law are not contravened." Any citizen may criticize or complain to the Government without fear if he does so through recognized channels, such as via letters or oral complaints to the President, to a Majlis member, or to a civil servant or other person in authority.

Maldivians are frequently frank in private when discussing and criticizing the Government. However, the law which prohibits arousing opposition to the legally established Government, together with a long tradition of authoritarian rule, tend to make Maldivians careful when expressing their opinions to foreigners or in the media. There is no prior censorship of newspapers, but writers and editors are subject to prosecution if their articles contravene the law. In 1984, five writers were prosecuted for articles which the Government alleged had created antigovernment feelings. Of the five, one was banished. The offensive articles dealt with such matters as suggestions for improving the fisheries sector and how to deal with foreign vessel encroachments, inefficiency in a government hospital, and a discussion of the laws preventing the Government from closing, as it intended, a private radio station. A few editors and writers were questioned about articles for which they were responsible during 1985, but none was prosecuted.

There are three privately owned newspapers, each required to register with the Government. The only government-owned publication is the News Bulletin, published by the Maldivian Department of Information and Broadcasting.

The Government does not restrict academic freedom. Maldivians are free to acquire and impart knowledge "in a manner that does not contravene Shari'a or civil law." A law in effect since July 1984 has required that students enrolled in government-run or government-assisted schools be liable for government service for varying periods, depending upon their educational attainments. The bill was deemed necessary because of the drop in the number of young Maldivians entering government service.

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b. Freedom of Peaceful Assembly and Association

The Constitution assures freedom of assembly and association, but Maldivians make little use of these freedoms in a political sense. The majority of rallies and meetings are sponsored or approved by the Government and commonly are addressed by officials or religious leaders. Clubs and other private associations, of which there are many, are permitted to function if they do not contravene Shari'a and civil law, and if they register with the Government.

There are no trade unions in the Maldives. Workers' rights to organize, bargain collectively, and strike are not recognized or protected by statute. Until the 1970's, most Maldivians either were self-employed or held government jobs and there was a relative lack of interest in workers' rights or organization. However, during the past 4 years three sizable garment manufacturing facilities opened, employing large numbers of workers. There were no special provisions regarding workers' rights or treatment in the agreements to establish these companies between the Government and the foreign investors. However, a Department of Labour was formed in 1982 and it has been studying the labor situation in the Maldives and in other countries with a view eventually to developing appropriate labor regulations for the Maldives.

c. Freedom of Religion

The Constitution makes Islam the official religion and all citizens are Muslims. There are no churches or shrines for the practice of any other religion. Missionaries of non-Muslim faiths are not permitted to proselytize in the Maldives. Conversion of a Muslim to any other faith would be a violation of the Shari'a, the law of the land, and would automatically result in the loss of Maldivian citizenship. However, links with coreligionists in other countries are freely allowed and a delegation from the Maldives performs the Hajj each year.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Maldivians are free to move about the country unless they are under house arrest or detention or banished. However, the Government discourages Maldivians from changing islands of residence, primarily because most recent migrants have moved to Male, which is becoming severely overcrowded. The Government reimposed regulations in 1982 that limit immigration to the capital island and its surrounding atoll, permitting migration to Male only for short periods in order to work, be educated, or receive medical treatment. At the same time, the Government has made a major effort to improve social and educational services and develop industry outside of Male.

Maldivians are free to change jobs. There are no restrictions on foreign travel or on emigration, and there are no exit visas. The Government requires any Maldivian who has acquired another nationality to maintain Maldivian nationality concurrently. Such a person must enter and leave the Maldives on a Maldivian passport. As far as is known, the Government never has revoked the citizenship of any Maldivian. There are no refugees or displaced persons and, so far as is known, no Maldivians have been exiled or are refugees or displaced persons elsewhere.

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

President Maumoon Abdul Gayoom rules the Maldives together with a small group of generally well-educated members of the elite who are loyal to him. There are no political parties, although they are not forbidden by law. President Gayoom has, however, publicly discouraged their formation as being inappropriate to the homogeneous nature of Maldivian society.

Members of the unicameral legislature, the Majlis, are chosen for 5-year terms by means of secret ballots cast by all Maldivians over 21 years of age. Candidates for the Majlis must be over 25 years of age, Muslim, able to read and write both Arabic and Maldivian script, not involved in a crime for the past 5 years, and in good mental and physical condition. Of 48 members, 40 are elected (2 from each atoll and 2 from Male), and 8 are appointed by the President. There were 162 candidates for the 40 seats contested in the December 1984 elections. Once elected, Majlis representatives are freely approached by citizens or groups with grievances or points of view on proposed legislation.

Candidates for President must be Sunni Muslim, born of Maldivian parents, male, over 30 years old, not convicted of any crimes, and mentally stable. A single nominee for President is chosen by secret ballot in the Majlis from as many candidates as are proposed by the members. The nomination then is confirmed or rejected in a nationwide referendum, also by secret ballot. In 1983, the Majlis voted 47 to 1 to nominate Gayoom to a second, 5-year term. Maldivians confirmed Gayoom with 95.62 percent of their votes. At the time of his nomination and the referendum, President Gayoom had no serious competitor for the position. Some irregularities apparently occurred during the referendum, especially on outer atolls where island chiefs cast the ballots of all eligible voters on their islands. Nevertheless, it is fair to assume that Gayoom's leadership is widely accepted by the electorate.

Since there are no political parties, factions in the Majlis tend to coalesce around individuals or points of view and vary according to the issue. Any member may introduce legislation, which, if seconded, must be considered by the Majlis. All laws must be approved by the Majlis. The Majlis has the power to question ministers and to call for their removal. In practice, however, the Majlis generally supports the Government after carefully discussing and sometimes amending its proposals.

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

There were no requests for outside investigation of human rights violations in 1985. There are no local human rights organizations. Amnesty International did not include the Maldives in its 1985 Report. Freedom House rated the Maldives "partly free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The population of the Maldives is 180,000 and is growing at an annual rate of 3.6 percent. Estimated gross domestic product per capita rose to \$460 in 1985. Just under a quarter of the

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population lives on Male, the capital island, which is 400 miles west-southwest of Sri Lanka.

The economy performed well in 1985, due largely to growth in the fishing and tourism industries, but the Maldives nevertheless remains one the least developed countries in the world. Most Maldivians still work in traditional occupations: fishing, the largest industry, involving about 46 percent of the population; harvesting coconuts for copra and making rope; and some subsistence farming. The tourist and textile industries are providing much-needed additional foreign exchange.

The Government is trying to improve the standard of living, partly by working to increase production of traditional products such as fish and coconuts. It also is trying to tempt the inhabitants of Male to return to their native islands or atolls with prospects of employment and better social services there. Programs are under way to replace coconut trees with better strains, make better use of the limited arable land (only 10 percent of the total land), and to introduce new varieties of vegetables in family gardens. There are efforts to increase the annual catch of fish through improved technology.

The tourist industry has continued its rapid expansion. Until several years ago, the Government permitted development of tourist resorts only on islands not inhabited by Maldivians and around Male, where most educated Maldivians live, in part to lessen the impact of tourism on the conservative society of the Maldives. In 1985 there were over 50 hotels and guest houses operating on designated resort islands throughout the country to accommodate the over 100,000 tourist arrivals. The tourist "bed night index" has more than doubled since 1980. The tourism industry received a special boost in 1985 with the establishment of direct scheduled flights from Male to Europe and Singapore.

By 1985, the Government had reached its goal of establishing 22 health centers in the 19 atolls. Plans exist to upgrade and improve three of these health centers. Besides the fairly well equipped hospital in one of the northern atolls, in 1985 a new hospital was completed and opened in a southern atoll and construction began on another. Health care remains rudimentary but is improving. Life expectancy at birth is 53.3 years and infant mortality is 81.5 per 1,000 live births. Based on 1980 statistics, only 5 percent of the total population of the Maldives has access to safe water, with urban dwellers (11 percent) better off than rural residents (3 percent).

The present Government has made considerable progress in education. The country boasts about 85 college graduates, and 56 percent of Maldivians had completed primary school in 1985, up from 44 percent the previous year. Primary school enrollment is 12.2 percent. On the basis of 1977 statistics, the overall literacy rate is 82.4 percent, with the rate for women (82.3) slightly lower than that for men (82.5).

There is now a government school, with trained teachers and a broad curriculum, in every atoll. At present, these schools serve only the children on the islands where they are located. The Government's long-term goal is to have such schools on every inhabited island. The Government has also built community education centers in every atoll. It has established

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an advanced level secondary school and a vocational training center on Male island, and it plans to build vocational training centers in some of the outer atolls. A teachers training center opened in Male in March 1984, but there are no universities in the Maldives. As a result, the Government seeks scholarships for promising students to attend universities in the Middle East, India, Australia, and the United Kingdom.

Worker rights are neither recognized nor protected in the Maldives, and there are very few labor standards set by the Government. Only government workers are entitled by presidential directive to a paid annual holiday and free health care in the event of work-caused illness. There is no minimum age for the employment of young people. The Government has set no restrictions on conditions under which children or young people may be employed, although most employers do not hire young people for work at night or in what are considered hazardous conditions. There is no national minimum wage, although the Government has established wage floors for certain kinds of work. There is no restriction on the number of hours per week an employee can be required to work, and there is no requirement that private sector employees receive an annual paid holiday.

A textile factory on Thulusdhoo in Male Atoll, which opened in 1985, has been plagued by allegations of worker abuse and violations of the terms of employment contracts. Most of the workers are Sri Lankan women. The Maldivian Government has begun investigating these claims.

Traditionally not equal beneficiaries of the political and economic opportunities of their country, Maldivian women have benefited from the current Government's deliberate efforts to improve opportunities for them. Patterns of behavior and living conditions for women are less restrictive than in some other Islamic countries. For example, they are not required to wear the veil, and a growing number of women serve in responsible positions in the Government and in the professions.

By Islamic and Maldivian tradition, women play a lesser role than men in public life. No women were serving as members of the Majlis elected in 1980; President Gayoom appointed one. There are three women in the Citizens' Special Majlis that is reviewing the proposed constitution. Women hold 15 responsible positions in the civil service. The President has appointed 2 women as aides, another to be his Director of Social Affairs, and 2 women to his 12-member Consultative Committee. In 1982, the President appointed a National Women's Committee which is seeking ways to increase participation by women in the country's life.

U.S. OVERSEAS - LOANS AND GRANTS - OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S. FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: MALDIVE ISLANDS

	1983	1984	1985	
I. ECON. ASSIST.-TOTAL...	0.0	0.0	1.5	
LOANS.....	0.0	0.0	1.5	
GRANTS.....	0.0	0.0	0.0	
A. AID.....	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
(SEC. SUPP. ASSIST.)...	0.0	0.0	0.0	
B. FOOD FOR PEACE.....	0.0	0.0	1.5	
LOANS.....	0.0	0.0	1.5	
GRANTS.....	0.0	0.0	0.0	
TITLE I-TOTAL.....	0.0	0.0	1.5	
REPAY. IN \$-LOANS.....	0.0	0.0	1.5	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	0.0	0.0	0.0	
E. RELIEF, EC. DEV & WFP.	0.0	0.0	0.0	
VOL. RELIEF AGENCY.....	0.0	0.0	0.0	
C. OTHER ECON. ASSIST...	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
PEACE CORPS.....	0.0	0.0	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II. MIL. ASSIST.-TOTAL...	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
A. MAP GRANTS.....	0.0	0.0	0.0	
B. CREDIT FINANCING....	0.0	0.0	0.0	
C. INTL MIL. ED. TRNG...	0.0	0.0	0.0	
D. TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E. OTHER GRANTS.....	0.0	0.0	0.0	
III. TOTAL ECON. & MIL...	0.0	0.0	1.5	
LOANS.....	0.0	0.0	1.5	
GRANTS.....	0.0	0.0	0.0	
OTHER US LOANS.....	0.0	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	0.0	0.0	
ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	
			1946-85	
TOTAL.....	5.0	2.3	0.0	14.1
IBRO.....	0.0	0.0	0.0	0.0
IFC.....	0.0	0.0	0.0	0.0
IDA.....	5.0	0.0	0.0	8.2
IDB.....	0.0	0.0	0.0	0.0
ADB.....	0.0	2.3	0.0	2.3
AFDB.....	0.0	0.0	0.0	0.0
UNDP.....	0.0	0.0	0.0	3.4
OTHER-UN.....	0.0	0.0	0.0	0.2
EEC.....	0.0	0.0	0.0	0.0

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Morocco is governed by a monarchy which also has fully developed parliamentary, judicial, and governmental institutions. The King is both temporal Head of State and spiritual leader of the country's Muslim community, which comprises virtually the entire Moroccan population. The King can intervene in and set policy on any question if he so desires; but policy on most questions is formulated by the Government and in many cases requires the formal approval of Parliament.

The Moroccan political system is open and very active. Eight of the country's 14 political parties are represented in Parliament, which was elected in September 1984. The lively Moroccan press offers a full range of viewpoints on matters from foreign policy through the economic and social situation, including human rights. There is a full range of private voluntary associations.

The security apparatus is comprised of several overlapping police and paramilitary organizations, all of which have an important impact on the human rights situation. All of the organizations are under the King's ultimate control, although many are administered on a day-to-day basis by the Interior Minister.

Private investment and private property play a large role in the economy, although a number of key industries are in government hands. Morocco remains a predominantly rural country with over 50 percent of the population living outside urban areas. The Government continues to place high priority on job creation and continued development of the agricultural sector to reduce income and social disparities. However, the country's tight financial situation and pressures from its international creditors have forced cuts in many plans. In September 1985 the Government reduced subsidies on basic foodstuffs, leading to price hikes on such commodities as flour, sugar, and cooking oil, the staples of the Moroccan diet.

The human rights situation in Morocco was mixed in 1985. There were no major outbreaks of unrest such as occurred in January 1984, and a number of those arrested and convicted in the wake of those disturbances were released during the year. However, there was continuing concern about the legal status and physical condition of political prisoners in Moroccan jails. Although the Government asserted, in response to domestic and international publicity about the hunger strikes of several prisoners, that all prisoners in Moroccan prisons were common law prisoners, certain prisoners in categories considered to be political continued to receive separate, more favorable treatment. There were also isolated reports of cruel treatment and torture of some detainees, especially those accused of Islamic fundamentalist tendencies.

*A separate section on the Western Sahara is appended to this report.

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RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

In 1985, there were no proven instances of political killing. Although 14 Moroccans convicted for involvement in Islamic fundamentalist activities were sentenced to death in August, none of the sentences has been carried out. Similar death sentences from trials in August 1984 also have not been carried out. Trials in these cases were public.

b. Disappearance

There were no reported cases of disappearance for extended periods in 1985. Amnesty International continues to press for a report on the cases of some 100 persons reportedly taken into custody as far back as 1976 and who reportedly have disappeared, but the Government has not provided a status report. The Lawyers' Committee for International Human Rights reported in early 1985 that 50 other persons, including a number of student leaders, have disappeared in recent years. On January 22, 1985, the French daily Le Monde reported that two long-term detainees were released after prolonged periods of "disappearance". Local human rights sources report, however, that the locations of the two individuals were always known.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There are frequent charges of prisoner abuse in Moroccan prisons. Lawyers, observers, and even government officials assert that prisoners are exposed to cold, damp, and crowded conditions, and some prisoners are allegedly subjected to cruel treatment at the hands of prison officials. On January 12, 1985, the local press reported the suicides of two prisoners in the Kenitra prison, allegedly in part because of systematic beatings by prison guards. Human rights groups have reported the deaths of four prisoners in November and December, allegedly due to cold and damp jails. On November 12 the Government confirmed earlier reports from human rights groups that a detainee, Amine Tahani, had died November 6 in a Casablanca prison. Although there were charges by human rights activists in France that Tahani died as the result of torture, the Government rejected the charges and said his death resulted from asthmatic seizures.

In 1985, there were repeated hunger strikes by prisoners to protest prison conditions. Nine prisoners fasted for several months to obtain political prisoner status. After several weeks the Government resorted to intravenous feeding.

Several foreign groups charge that there is systematic use of torture in Morocco, and indeed there are persistent reports of torture by the security forces. Some observers claim to have witnessed various forms of physical and psychological torture by police to extract information or to intimidate detainees, especially in the pretrial period. Most observers agree that such practices are rare.

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The Government rarely responds to charges of torture. However, in April 1985, the Interior Ministry reacted vigorously to charges in the French daily *Le Monde* of inhumane conditions in what was described as a detention center in Casablanca. The Interior Ministry maintained, and local human rights activists concurred, that the center was actually an institution for orphans and elderly citizens.

Amnesty International has continued to complain of the conditions of detention of approximately 100 military prisoners arrested following the 1971 and 1972 attempts on the life of King Hassan. It reported that the individuals had been held since 1973 in "windowless, filthy, unventilated cells, (exposed to) extremes of temperature, solitary confinement, arbitrary punishments and beatings, inadequate food, and complete lack of medical care." Amnesty International indicated it has reports that "approximately 20 of the prisoners may already have died, many at least in part because of the very bad conditions." In 1985 there was a reliable report that one of the prisoners appeared in good condition.

d. Arbitrary Arrest, Detention, or Exile

The Moroccan Constitution requires that a detainee be brought before a judge within 48 hours of detention and informed of charges. The police can request a 48-hour extension of that period. This practice is, however, widely abused, and detainees are often held for up to several weeks before appearing before a judge. Most individuals are arrested in public view, but warrants are not always used. Although arrests are not usually arbitrary, they are often made only on the basis of suspicion. Moroccan law requires that a lawyer be present only after the initial presentation of the detainee before the review court, not during the prior period of police custody. Morocco does not have an extensive system of bail, although defendants are sometimes released on their own recognizance. Moroccan law does not have specific provision for habeas corpus or its equivalent.

The most frequent cases in which there was abuse of pretrial rights in 1985 were those involving Islamic fundamentalist activity. Sources estimate that several hundred were detained by authorities starting in April and continuing through August. In most cases, authorities released detainees after several days of questioning without charges.

Under a separate code of military justice, a number of military personnel have been detained in past years without warrants or announcement of a trial.

A number of Moroccan detainees, including many considered informally to be "political prisoners," are allowed to receive Moroccan newspapers, to have access to radio and television, and to pursue studies while in prison. Most prisoners are allowed family visits once a week and on religious holidays, and family members are permitted to bring food to supplement the prison diet. However, many of the prisoners convicted of involvement in the 1971 and 1972 coup attempts continue to be held without family visitation rights or the right to respond to mail received. Families of several prisoners on a hunger strike also asserted repeatedly in 1985 that they were denied access to their relatives.

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There have been allegations that prisoners have been held incommunicado for extended periods, but family or friends have been aware, most sources agree, of the detainees' general location.

There are no known instances of political activists exiled by the Government. However, some activists prefer to remain in voluntary exile, including a number of leading Islamic fundamentalists. Of 57 Fundamentalists tried in 1985, 25 now live abroad. There are reports that a growing number of Moroccans, generally youths, have sought "asylum" in several Western European countries, but it is not certain that these students would be in jeopardy were they to return to Morocco.

Although prisoners are regularly used on work crews, there were no other charges of forced labor in 1985.

e. Denial of Fair Public Trial

The Moroccan judicial system is generally considered fair and is in most respects independent of political control. Cases are brought before an initial review court, which can call for a hearing. The detainee is informed of charges and questioned by the judge to decide if they have merit. If not, or if the infraction is minor, the judge can release the detainee or impose a light sentence. If a lengthy investigation is required, the judge can release detainees on their own recognizance. In cases involving serious crimes, courts generally move quickly to bring cases to trial. If convicted by the court of first instance, a defendant has the right to appeal.

Although most cases are handled by civilian/secular courts based in part on French legal tradition, Morocco has a parallel judicial system using Islamic law principles to deal with marriage, divorce, child custody, and inheritance for Muslim Moroccans. Although Western legal norms are not applicable in the Islamic courts, Koranic principles and the limited kinds of the cases heard reduce the possibility of abuse.

There have been allegations of growing judicial corruption. In October 1985, four court officials, including one judge, in the northern city of Al Hoceima were tried and found guilty of illegal practices.

Although the Government has stated that there are no political prisoners, most observers and Moroccan human rights groups estimate that there remain approximately 110 prisoners held for political activities dating as far back as the early 1970's and sentenced to terms up to life imprisonment. In addition, there are approximately 125 Moroccans convicted of Islamic fundamentalist activities, although some sources insist that the number held could be as high as several hundred. Human rights groups in Europe assert that nearly 1,600 persons were tried and sentenced following the riots in January 1984. Many of those have since been released after completing their terms, but estimates of those still in prison range from several hundred to over 1,000.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

In general, the Government does not interfere greatly in the private lives of its citizens. The Constitution states that

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the home is inviolable and that no search or investigation may occur without a judicial warrant. This is not always observed in practice, however. It is widely accepted that the Government selectively monitors certain individuals, including their telephones and mail. At times of heightened agitation, the authorities are alleged to have searched homes and offices without warrants.

The Government does not generally interfere in the private beliefs of the individual. There is no forced membership in political organizations. The Government is sensitive to the spread of fundamentalist religious beliefs, but there are no reported instances of interference with parents' teaching of religious beliefs to their children. Morocco does not jam foreign radio and television broadcasts, but officials have frequently seized banned publications entering the country from abroad through the mail.

Section 2 Respect for Civil Rights, Including:**a. Freedom of Speech and Press**

The Constitution provides for freedom of speech, including freedom of the press, except for criticism of the monarchy and Islam. There is lively debate of almost all other issues, including criticism of the Government, of government officials, and of political and socioeconomic problems in the press and in public. There is also a broad measure of academic freedom, and although there are strictures against the investigation of the monarchy and Islam, in fact there is growing research and publishing on Islam and Islamic fundamentalism.

Arabic language daily Al Anbaa, as well as the Moroccan Press Agency Maghreb Arab Press, are government-owned. All other newspapers and journals are privately owned, although some are subsidized by the Government. Most are controlled by political parties or private groups. In 1985, the Government occasionally intervened to delay publication of newspapers carrying material which, it was feared, would inflame public opinion. The Communist Party of Progress and Socialism's French- and Arabic-language dailies asserted that they were regularly subjected to prior censorship. In July, an independent weekly, Al Kawaliss, was suspended for several months for unspecified reasons. Two new weekly newspapers appeared: Al Massaar, published by Socialist Party dissidents and focusing heavily on opposition and human rights themes, and Al Haraka, backed by the Berber-based Popular Movement. Television and radio are government-owned and the views expressed conform with the Government's.

b. Freedom of Peaceful Assembly and Association

There are constitutional guarantees of peaceful assembly and association. Private associations are permitted, after registering with the Government, and professional, business, religious, and cultural associations are active. Groups seen as threatening the political stability of the regime, such as declared Islamic fundamentalist organizations, are outlawed. Permits are required for public meetings, but if the requesting group is a legally registered association, permission is normally granted.

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There are three major trade union federations: the Union Marocaine du Travail (UMT); the Confederation Democratique de Travail (CDT); and the Union Generale des Travailleurs Marocains (UGTM). The UMT is politically independent. The CDT is affiliated with the Socialist Party, and the UGTM with the Istiqlal Party. Approximately 1 million of 7 million Moroccan workers are unionized, mainly in the industrial and commercial sectors. The UMT annually represents Moroccan workers at the annual conferences of the International Labor Organization (ILO). The CDT and UGTM are also active internationally and participated with the UMT in the June 1985 International Labor Conference.

Morocco's Constitution and laws provide full protection to labor. These guarantees, including the right to be represented in the settlement of disputes and the right to protection against interference, are widely applied in the modern sector of the economy but are less well observed, and sometimes totally ignored, in the informal and underground economy. The right to strike is guaranteed by Article 14 of the Constitution but the detailed law defining this right, promised in Article 14, has never been drafted. Legislation governing settlement of labor disputes was enacted in 1946, but the mandated procedures, which are lengthy and complicated as well as in conflict with later constitutional guarantees of the right to strike, are customarily ignored as each dispute is handled on an ad hoc basis by the Government. The August-September 1985 strike at the Jerada coal mine, for example, was settled after 3 weeks of police intimidation, the arrest and sentencing to prison terms of some two dozen strikers, and protracted negotiations involving worker representatives, the management of the government-owned mine, and local and regional officials. In this case, as in many others involving strikes and work protests, workers were prosecuted and convicted under criminal law statutes which outlaw picketing and damage to employers' property. Criminal law dating from the eve of World War II also outlaws strikes in sectors deemed to affect national security. This law is ill-defined and has been used in recent years to stop teachers' strikes, among others. Moroccan trade unions complain that workers are frequently dismissed or suspended for union activity and that the legal system too rarely punishes such illegal actions. The UMT has several complaints pending with the ILO on these and other alleged infractions of the ILO conventions on freedom of association and collective bargaining. Despite the fact that these cases have not been resolved to the unions' satisfaction, employers are often prosecuted and punished by the courts for labor law violations. A recent case involved an employer sanctioned for an illegal plant shutdown.

The Constitution also guarantees the representation of workers in Parliament. Of 10 seats reserved for trade union organizations in the current 306-member Parliament, the UMT elected 5 members, the CDT 3, and the UGTM 2 in the 1984 elections.

c. Freedom of Religion

The population is over 99 percent Muslim, and Islam is the official religion. The King bears the title of "Commander of the Faithful" and is the religious as well as secular leader of the Moroccan population.

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The Constitution provides guarantees for freedom of worship, but proselytizing is forbidden. Conversion to another faith from Islam is not banned in the civil code, but the Islamic faith strongly discourages it.

There are two non-Islamic religions with organized communities in Morocco: Judaism and Christianity. There are some 10,000 Jews, living mainly in Casablanca and several other major cities. The Jewish community operates schools and social institutions, as well as 20 major synagogues. Publications in Hebrew are permitted, and rabbis serving the Jewish community are trained in Morocco. Moroccan Jews serve in leading positions in the business community. The President of the Administrative Chamber of the Supreme Court is Jewish, as is one parliamentary deputy. In September 1985, King Hassan, in a gesture designed to show his continued support for the Jewish community, sent one of his sons to the Jewish community's Yom Kippur ceremony. The Jewish community has close ties to communities in other countries, including Israel. In October 1985, a Congress of Jewish Communities of Moroccan-origin was held in Montreal with the Moroccan Government's endorsement..

There are also institutional links between the Moroccan Government and the Roman Catholic Church. In August 1985, Pope John Paul II visited Morocco at the invitation of King Hassan, at which time he met with Morocco's Islamic leaders and delivered an address to 80,000 Muslim youths. In 1983, King Hassan pledged, in a letter to the Pope, to guarantee the Catholic Church's right to conduct both religious and charitable work. The letter also formally recognized the work of the Catholic clergy, who come exclusively from abroad, to minister to some 100,000 foreign residents with parishes in most cities.

There were few incidents affecting the Protestant community in 1985. Prior to the visit of Pope John Paul, a few Moroccan Christians were questioned by police, but the practice was quickly stopped. In October 1985, the Supreme Court overturned earlier administrative rulings which had closed a bookstore in Fez, owned by a Protestant minister, which carried a limited number of bibles and Christian literature. The Moroccan Protestant community is small, numbering less than a hundred. There are also several thousand expatriate Christians.

There have been no further arrests in the Baha'i community since May 1984, nor has the small community been bothered in its activities. In October 1985, the case of the single Baha'i from Teouan still serving a prison sentence came before the Supreme Court in December. The Court rejected his request for a review of his conviction and 3-year sentence for activities related to his faith.

The King and other religious leaders continue to counsel against radical Islamic beliefs. Interior Ministry officials monitor what is taught in the Mosques and report deviations from Orthodox Islam. Starting in early 1985, large numbers of suspected fundamentalists were detained and questioned, especially in northern Morocco. In August, the Government tried 26 Moroccans (9 in absentia), for plotting to overthrow the regime and membership in outlawed fundamentalist organizations. All were convicted, and 14 were sentenced to death. The group was accused of having been trained by Algeria. In October, 31 suspected fundamentalists (16 in

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absentia) were tried for belonging to an illegal association and plotting to overthrow the regime. All were convicted. Twenty received life sentences, and 4 received 30-year sentences. Death sentences handed down in the Casablanca fundamentalist trial of June and July 1984 have not been carried out.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Freedom of movement is unrestricted throughout Morocco. As the administering authority in the Western Sahara, the Moroccan Government restricts movement in areas of the territory which are militarily contested. There were no reported cases of restrictions on foreign travel for political reasons in 1985. There are no formal restrictions on emigration. Obtaining a passport, however, often takes several months. A woman is obliged to have the permission of her father or, if she is married, her husband to obtain a passport. A divorced woman must receive her father's permission for a passport. If she has custody of children, she must have the father's permission for the children's passports.

There are no known instances of the Government depriving any citizen of Moroccan nationality. Moroccan law considers any person who acquires Moroccan nationality to be a citizen for life. Citizens who have left Morocco are guaranteed the right to return. There were no known instances of the Government refusing reentry in 1985. Morocco specifically encourages voluntary repatriation for Jewish community members who have emigrated from Morocco. It also encourages the return of Saharans who have opposed Morocco in the Western Sahara conflict. Returning former Polisario members deemed to pose no security threat have been reintegrated into either civilian or military life.

Morocco adheres to the 1951 convention on refugee status. It currently has some 500 refugees, mainly from African countries and Eastern Europe. Most of the Eastern European refugees came to Morocco in the 1940's and 1950's. For a grant of refugee status, the Government requires that the requester be able to care for his needs. Although there were reports, denied by Moroccan authorities, of Libyan expatriates being forced to return to their country in 1984, there were no such reports in 1985.

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

Morocco describes itself as a developing democracy. In practice, executive power is vested in the King and exercised by a government designated by him. The King generally takes the proportional strength of parties into account in naming the Government.

Parliament participates in the formulation of overall policy, including the review of the annual budget and other major legislation. However, many measures of lesser importance are promulgated as government decrees or occasionally by royal proclamation. Several layers of directly or indirectly elected officials participate in formulating decisions, including members of Parliament, provincial assemblies, and municipal councils. More than a dozen political parties, representing a

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spectrum of political philosophies from far left to conservative, competed in the 1983 municipal elections and parliamentary elections in 1984. Local government and Parliament are generally considered representative, although a number of election results have been challenged. There is frequently lively debate on all subjects, and often split votes. While government proposals in Parliament are rarely rejected outright, specific measures are often modified. Political pressure on occasion has persuaded the Government to delay or withdraw legislation.

The Government occasionally uses a direct referendum on major questions affecting the Constitution and the state structure. There were no such cases in 1985. In 1984 the voters were asked to approve the Moroccan-Libyan Treaty of Oujda. The Government announced that 97 percent of those casting ballots voted for the union.

No group dominates, and virtually all points of view are represented in Parliament. Ethnic and tribal distinctions remain, fostered by the country's mountainous terrain. Although Berber spokesmen occasionally claim that Moroccan institutions do not reflect the Berber character of the population and that Berber identity is not sufficiently maintained, they continue to play a significant role in national and local affairs.

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

In recent years Morocco has not refused any formal international or nongovernmental investigation of human rights. However, the Government is sensitive to such investigations, and cooperation may be slow. An Amnesty International official informally visited Morocco in 1985, and Justice Ministry officials and the President of Parliament received human rights delegations on several occasions. The delegations expressed concern for prisoners on hunger strike. Most observers found the Government's reaction to such investigations tougher than in past years. The Interior Ministry formally rebutted a Le Monde article alleging use of a psychiatric hospital for detention. The Government also complained about international and domestic pressure in support of those on hunger strikes.

There are two major human rights associations: the Moroccan Association of Human Rights (AMON) and the Moroccan League for the Defense of Human Rights (LDDH). The LDDH is affiliated to the Istiqlal Party (the major political party at the time of independence), while the AMDH has less clearly defined links with left-wing political parties. Both were active throughout 1985, particularly regarding prisoners on hunger strike and in calling for release of political prisoners. In 1985, several AMDH leaders were questioned by the police. Earlier, several AMDH leaders were detained for human rights activism.

The Government is active on human rights issues in international organizations, although its interest is generally confined to the Arab world and Western Sahara. One external organization, the Paris-based Association for the Defense of Human Rights (ASDHOM), is particularly active. ASDHOM does not have active chapters in Morocco, but regularly informs the French press of Moroccan human rights developments.

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In its 1985 Report, Amnesty International noted that it had continued to work on behalf of more than 200 actual or possible prisoners of conscience and monitored thousands of arrests arising from country-wide disturbances in 1984 and that it was also concerned about extended periods of incommunicado detention; ill-treatment of detainees during interrogation; "disappearances"; and the imposition of death sentences. Freedom House rated Morocco as "partly free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The population is 23 million (53 percent under age 20) and is growing at approximately 2.4 percent annually, according to the World Bank. Per capita gross national product was \$760 in 1983, while 1984 per capita gross domestic product was \$557, with most of the slide due to exchange rate drops.

In September 1985, Morocco signed a second standby agreement with the International Monetary Fund to bridge the balance of payments gap while the Government undertakes reforms for medium- and long-term structural adjustment. Although debt relief and economic reforms have allowed Morocco to make significant progress since 1983 in laying the basis for future growth, it faces continuing austerity and spending cuts have resulted in the postponement of health, education, and housing projects for the country's poorest citizens. There has been little if any growth in per capita income. Opposition parties charge that the Government's austerity measures place the burden of adjustment on poor and middle-income citizens. Slow growth will allow only gradual improvement in adult literacy (35 percent), life expectancy (at birth 54 years), infant mortality (93 per 1,000 live births), and poverty (28 percent of the urban and 45 percent of the rural population in 1979).

The Government is trying to reform the educational system. Thirty percent of the Government's operating budget is for education. The 160,000 teachers under the Education Ministry constitute half of Morocco's civil servants. Female school enrollment is growing faster than that of males. At least 38 percent of all primary students, more than 40 percent of all secondary students, and more than 25 percent of university enrollees are female. Only in rural areas is enrollment of women in schools unusually low, due to traditional attitudes and economic necessity.

Morocco's basic legislation on working conditions dates from the 1930's and 1940's and is fairly widely respected, at least in the modern sector of the economy. These laws provide for a maximum 48-hour workweek with a full 24-hour rest day; for a specified annual paid holiday; and for minimum conditions for the protection of the safety and health of workers, including prohibition of night work for women and children. Children may not be employed or apprenticed before age 12 and there are special regulations governing employment of children between the ages of 12 and 16. Minimum wage legislation also exists and minimum wages were raised twice in 1985 to take account of rises in the cost of living. In the traditional sectors of the economy, children are often apprenticed earlier than age 12, especially where school places are not available. Safety and health conditions in many enterprises are substandard. Labor inspectors do not have adequate resources to monitor compliance with the law, and occupational health inspectors, although

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mandated by legislation, do not exist because the Government has never allocated the resources to hire or train them.

The Constitution reaffirms the legal equality of all Moroccans and provides that "men and women enjoy equal political rights." Women occupy responsible government positions, including at the ministerial staff level, as well as in the law, medicine, and teaching. Two women pilots are now flying regular routes for Royal Air Maroc. Progress in professional fields has not always been matched in the society at large. There are areas where traditional standards prevail, especially in the area of private law. Divorce is permitted, but a husband can repudiate his wife while she cannot repudiate him. A man is permitted four wives according to Islamic tradition, although multiple marriages are increasingly rare. Segregation of sexes is common, especially in social settings. However, in urban areas and among the urban poor, as well as increasingly among middle and upper class families, women are employed outside the home and contribute to family income.

Women's role in public life remains restricted. No women hold seats in the 306-member Parliament, although women did run for the positions. Of 15,500 city council members in Morocco, only 17 are women. Women serve on the executive committees of several of the major political parties and on the Saharan Consultative Council, a body created in 1981 to advise the King on Western Saharan issues. The Government actively supports labor and family planning projects designed to improve the condition of women and has organized employment programs for them. However, religious and social resistance to such efforts remains strong.

THE WESTERN SAHARA

Portions of the Western Sahara, now divided into four provinces, are administered by Morocco. Morocco assumed administration of the northern three provinces after the withdrawal of Spanish forces in 1975, and it asserted control over the southernmost portion in 1979 when Mauritania renounced its claim to the area and ceased administering the region over which its authority had been vested by the Madrid Accords of 1975.

Since 1977, the northern provinces of Al Ayoun, Smara, and Boujdour have participated in elections held throughout Morocco. Communal elections were held in the southernmost province of Qued Ed Dahhab in May 1981. The four Saharan provinces participated in 1983 elections and in all votes in 1984, including the referendum on the Moroccan-Libyan Treaty of Union and direct and indirect elections to Parliament. Participation in both the referendum and the direct elections to Parliament tended to run higher than in almost all other areas of Morocco.

Moroccan Saharan incumbents fill all 10 parliamentary seats from the Western Sahara provinces, and Western Saharan-origin politicians also fill seats from other provinces. The governors of the Saharan provinces, appointed by the King, are all native Saharans. In consultation with elected municipal and provincial councils, the four governors administer their provinces in the same manner as provinces and prefectures of Morocco proper. Most village and civil servants are also locally recruited Saharans. The governors are concerned primarily with accelerating development and the delivery of social services. Investment in the Western Sahara remains tax-free, in large part to encourage greater investment in the areas, which has the effect of raising the general standard of living. In March 1985, King Hassan spent 10 days in the Western Sahara region. During his visit, he met with the entire membership of Morocco's Parliament as well as with a number of local political leaders. Many Moroccans insist that the enthusiastic welcome the King received proved the population's loyalty to the Kingdom of Morocco.

Ultimate sovereignty over the Western Saharan region remains a subject of international dispute, with sporadic fighting between Moroccan forces and the Polisario, an organization which seeks independence for the territory. At the June 1981 summit meeting of the Organization of African Unity (OAU) in Nairobi, Morocco proposed that a referendum be held to decide the question. At a subsequent OAU meeting, specific measures seen as leading to a peaceful settlement of the Saharan problem were outlined by the member states. The OAU summit in 1983 resolved that the referendum be held in December 1983 but also called for direct negotiations between Morocco and the Polisario, a request with which Morocco does not agree. The resulting stalemate has prevented progress to resolve the Western Saharan dispute in the OAU. Morocco walked out of the November 1984 OAU summit after the Saharan Democratic Arab Republic Delegation was seated. Morocco later called for the U.N. to administer the referendum to determine the population's wishes on independence or full integration into Morocco. In October 1985, King Hassan, in a message to the U.N., also announced a unilateral cease-fire by Moroccan forces in the region. He pledged that Moroccan forces would only defend themselves if fired upon.

THE WESTERN SAHARA

The civilian population in the portion of the Western Sahara under effective Moroccan control apparently enjoys the same civil liberties as other Moroccans in areas of undisputed Moroccan sovereignty. However, in September 1985, 21 Saharan students studying in the northern city of Tangier fled Morocco and entered the Spanish enclave of Ceuta clandestinely. They requested political asylum in Spain and eventually traveled onward to Tunisia.

There have been few opportunities to evaluate the human rights practices of the Polisario in areas outside the "Berm," the Moroccan forces' earthwork defense line. There continue to be Moroccan allegations of Polisario human rights abuses, including illegal detention, impressment into military service, and general infringement of the civil liberties of the inhabitants of the Western Sahara.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: MOROCCO	1983	1984	1985	
I.ECON. ASSIST.-TOTAL...	53.9	83.7	103.4	
LOANS.....	27.5	45.0	73.0	
GRANTS.....	26.4	38.7	30.4	
A.AID	11.2	26.4	38.3	
LOANS.....	0.0	0.0	18.0	
GRANTS.....	11.2	26.4	20.3	
(SEC.SUPP.ASSIST.)...	0.0	7.0	15.0	
B.FOOD FOR PEACE.....	40.2	54.8	65.1	
LOANS.....	27.5	45.0	55.0	
GRANTS.....	12.7	9.8	10.1	
TITLE I-TOTAL.....	27.5	45.0	55.0	
REPAY. IN \$-LOANS.....	27.5	45.0	55.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	12.7	9.8	10.1	
E.RELIEF.EC.DEV & WFP.	4.0	0.2	1.3	
VOL.RELIEF.AGENCY.....	8.7	9.6	8.8	
C.OTHER ECON. ASSIST...	2.5	2.5	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	2.5	2.5	0.0	
PEACE CORPS.....	2.5	2.5	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II.MIL. ASSIST.-TOTAL...	101.3	70.4	49.5	
LOANS.....	75.0	33.8	8.0	
GRANTS.....	26.3	31.6	41.5	
A.MAP GRANTS.....	25.0	30.0	40.0	
B.CREDIT FINANCING....	75.0	38.8	8.0	
C.INTL MIL.ED.TRNG....	1.3	1.6	1.5	
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E.OTHER GRANTS.....	0.0	0.0	0.0	
III.TOTAL ECON. & MIL...	155.2	154.1	152.9	
LOANS.....	102.5	83.8	81.0	
GRANTS.....	52.7	70.3	71.9	
OTHER US LOANS.....	0.0	5.4	0.0	
EX-IM BANK LOANS.....	0.0	5.4	0.0	
ALL OTHER.....	0.0	0.0	0.0	
ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	
			1946-85	
TOTAL.....	351.0	312.9	350.3	3213.6
IBRD	308.2	265.8	207.6	2704.0
IFC	40.0	0.0	44.6	146.6
IDA	0.0	0.0	0.0	50.0
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	10.7	44.1	81.6
UNDP	2.8	0.4	0.0	63.4
OTHER-UN	0.0	0.0	0.0	22.0
EEC	0.0	36.0	54.0	146.0

NEPAL

Nepal is the world's only Hindu Kingdom. Its Constitution specifies that the King (chief of state) is the sole source of authority for all government institutions. Although there are traditional and constitutional restraints on the King's powers, he effectively rules as well as reigns.

The National Panchayat (legislature) consists of 112 representatives elected directly on the basis of universal adult suffrage and 28 appointed by the King. Legislation passed by the Panchayat is sent to the King for his approval, without which it cannot become law. The Panchayat selects the Prime Minister from its ranks. In turn, he appoints the Council of Ministers (Cabinet). The Council of Ministers, answerable to both the Panchayat and the King, manages day-to-day government operations and advises the King. In 1983, for the first time, the Prime Minister was changed by a vote of no confidence.

Nepal ranks among the world's poorest countries. Over 90 percent of its traditional and rural population is engaged in subsistence agriculture. Nepal maintained a self-imposed isolation until 1951; economic development and the broadening of political participation have been government objectives only since that time. Communications facilities are still limited and the radio remains, for most Nepalese, the only contact with the outside world.

Internal security is maintained in the first instance by the national police and as necessary by the army. Owing to Nepal's limited communications facilities, local officials have a large degree of autonomy and exercise wide discretion in dealing with law and order issues.

In 1985 the Government demonstrated a growing tendency to respond with force to control or prevent the expression of opposition views. Riot police were used extensively to prevent public demonstrations by school teachers, students, and banned political parties. Several thousand opposition political activists were kept in preventive detention for several months after attempting to stage a civil disobedience campaign in May 1985. Reportedly as many as 20 newspaper editors were arrested during the year, apparently for publishing articles critical of the King or the royal family. Allegations of police brutality were common.

RESPECT FOR HUMAN RIGHTS**Section 1 Respect for the Integrity of the Person, Including Freedom from:****a. Political Killing**

On June 20, 1985, 5 terrorist bombs exploded in Kathmandu, killing 5 people and injuring 20. Responsibility for this unprecedented act of political violence was claimed by an antimonarchist group. The Government has set up a special court to try those charged with this act.

b. Disappearance

There were no allegations of disappearances during 1985.

NEPAL

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There are persistent reports, particularly from remote areas, that police regularly use brutal methods to interrogate or intimidate prisoners, both criminal and political. An unusually explicit example was provided by two teachers who alleged that in January 1985, they were stripped, beaten, kicked, and humiliated by senior officers in Bhaktapur, near Kathmandu, after being arrested in connection with the teachers strike. The Government has not actively investigated allegations of police brutality or acknowledged public concerns about its prevalence.

Places of detention reflect the low standard of living in this extremely poor country. Jail conditions vary according to the crime committed and the person's status, but all prisoners have access to medical attention and to the traditional Nepalese diet. They are permitted visitors and goods from the outside. Generally, political prisoners have fared better than those convicted of criminal acts. Separate facilities are maintained for women and for the criminally insane.

d. Arbitrary Arrest, Detention, or Exile

The Public Security Act permits six months of preventive detention before charges must be filed. In May 1985, several thousand leaders and supporters of the banned Nepali Congress Party and Nepali Communist Party were detained without trial for attempting to hold public meetings or picket government offices in support of their demands for greater political freedom. Most of them were not released until mid-October. Detention without charge was also apparently widely used in the investigation of the terrorist bombings of June 1985. There have also been reports of teachers and students in various areas of the country being detained by authorities to prevent their participating in demonstrations.

For common crimes, a suspect must be brought before a court within 24 hours and must be informed of the general grounds for the arrest or be released. A seven-day extension may be granted for the completion of the police investigation. Strict adherence to these principles is not the norm. The writ of habeas corpus is recognized by the Supreme Court and has been effective in several cases. Neither official exile nor forced labor is practiced in Nepal.

e. Denial of Fair Public Trial

The law provides for the right to a fair public trial in most cases (some security and customs cases excepted), and this right is usually honored. Except for those held in preventive detention, the Constitution guarantees the right to counsel and protection from double jeopardy and ex post facto laws. These rights are not always respected. There are separate military and civilian courts. Military courts generally deal only with military personnel, but civilians may be tried in these courts for crimes involving the military. Judges are appointed by the Government, and decisions in political and security cases sometimes reflect the Government's view. All lower court decisions (including acquittals) are subject to appeal, and the Supreme Court is the court of last appeal. The King may grant pardons and set aside judgments.

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The Government has in the past admitted holding "political prisoners." In 1984, a committee was formed by representatives of banned political parties to press for the release of political prisoners. Most of the 128 cases the committee has listed as political prisoners, however, appear to involve people serving long sentences for criminal acts such as murder or armed robbery.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Nepalese law and tradition bolster privacy of the home and family, which the Government generally respects. Except for those suspected of narcotics or security violations, search warrants issued by chief district officers are required before search and seizure. Correspondence of some foreigners and domestic nonconformists is opened with little attempt at concealment.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Under the Constitution, freedom of speech and of the press may not be exercised in support of a political party or "to the detriment of the common good," the monarch, or members of the royal family. In practice, this rule is widely interpreted to permit criticism of the Government but not the monarch or the royal family. Journals and newspapers which overstep the established guidelines may be suspended from publication. In 1985, over 20 editors were arrested and their papers suspended, mostly for lese majeste. Foreign publications are seized or banned when deemed to carry articles unfavorable to the Government or monarchy. In 1985, several Indian newspapers were banned for months, following the bombing incidents in June, apparently for their coverage of that event as well as their general editorial policy toward Nepal.

The two largest circulation dailies are government organs, but they carry some reports of opposition activities and criticism of the Government, as well as extensive coverage of the debates in the National Panchayat. A major complaint of the independent newspapers is that government advertising (and most private advertising) goes only to the two semiofficial papers. Nevertheless, the independent press continues to be fairly vigorous and candid in its criticism of government policies and motives. Radio Nepal is operated by the Government and its news reports are closely controlled.

b. Freedom of Peaceful Assembly and Association

Regulations permit local authorities to prohibit meetings, speeches, and posters if they are found not to be "for the convenience or good of the general public." The law forbids activities detrimental to the monarchy, to relations among the people, or to national security. All political parties are banned under the panchayat system, although in practice political party members are generally permitted to assemble privately and to express their views in the unofficial press.

Regulations governing political activities are interpreted differently by local authorities in different areas of the country, and the decision whether to permit a political meeting is made on an ad hoc basis. In March 1985, the Nepali Congress Party (NCP) held a national meeting in Kathmandu with over 1,000

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participants. The Government allowed the meeting to take place, on the tacit understanding that the NCP would not use loudspeakers or stage processions.

Student groups, including those openly affiliated with the banned political parties, are allowed to contest campus elections and did so in 1985. However, they are typically prevented from holding meetings or demonstrations off campus, and a number of student leaders are usually in jail at any given time.

The Government banned trade unions in 1960. The Nepal Labor Organization, a creation of the Government, is the only organization officially permitted to perform trade union-like functions. There are some independent worker's associations which are repressed by the Government when they become too active. In early 1985, school teachers staged a determined strike demanding pay parity with civil servants and recognition of their association. The Government made concessions on pay but refused to grant official recognition of the teachers' association. Many teachers were placed under preventive detention and their attempted demonstrations were broken up.

c. Freedom of Religion

The vast majority of Nepalese are Hindus. Religious tolerance is traditional and the Constitution provides that "every person, having regard to the traditions, may profess and practice his own religion as handed down from ancient times." However, the Constitution also provides that "no person shall be entitled to convert another person from one religion to another." The legal code provides a maximum penalty of one year in prison for any Hindu who converts to another religion and three to six years in prison for any person who seeks to proselytize a Hindu.

In 1985, 9 new cases were registered in which 46 people were charged with conversion or proselytizing. In contrast to statements by official government spokesmen that any adult Nepali is free to change his religion, there were 18 convictions during 1985 for simple conversion from Hinduism to Christianity, with sentences from 3 months to 1 year. All are under appeal. In addition, two Christian pastors were convicted of proselytizing for preaching within their own churches and each sentenced to the maximum six years. Five other individuals convicted of proselytizing were each sentenced to three years. All these cases are also under appeal. There were 18 acquittals in religion cases during 1985, all of which are being appealed by the Government.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on travel within the country for Nepalese citizens, although several border areas have been restricted for travel by foreigners. Nepalese abroad are free to return home. There are no known case of revocation of citizenship for political reasons.

Nepal has no stated refugee policy. In the past it has accepted and assimilated approximately 12,000 Tibetan refugees and, according to immigration officials, no refugee has ever been forced to return to Tibet. Today, travelers from Tibet travel freely in both directions across the border.

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

Nepal is an absolute monarchy; political legitimacy flows from the King, not from the people. Most Nepalese accept and support a central role for the monarchy, either for religious reasons (the King is regarded as a reincarnation of the Hindu god Vishnu) or out of respect for tradition. Many Nepalese also view the monarchy as the symbol of Nepalese nationalism and a force that unifies a nation of disparate ethnic and linguistic communities. There is also substantial public support for the view that Nepal's future political development should follow democratic lines.

The 1980 constitutional reforms restructured the nation's formal political framework to make officials more answerable to the voting public. Direct election by universal adult suffrage was intended to make National Panchayat members more sensitive to the need to be seen as representing the interests of their constituents vis-a-vis the Government. The accountability of the Prime Minister to the House has made for lively debate of many issues. However, the ban on political parties makes it difficult for public opinion to be represented and mobilized systematically. In the absence of political parties, the Palace still effectively dominates the legislature; politics within the National Panchayat sometimes appear to be little more than a struggle for ministerial office.

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

No international human rights organization is known to have requested permission to visit Nepal since Amnesty International did so in 1977. In its 1985 Report, Amnesty International expressed its continuing concern about the arrest and imprisonment of opponents of the Government, as well as about severe restrictions on political activity and religious freedom in Nepal. Freedom House rates Nepal as "partly free."

There are two human rights organizations in Nepal which work with Amnesty International and regional human rights groups. Human rights activists disseminate their views in public meetings, newspapers, and pamphlets. There have been no reports of attempts to suppress them. The Government has expressed its concern about human rights violations in Cambodia, Afghanistan, and South Africa.

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Nepal's population is approximately 17 million, and its population growth rate is estimated at 2.5 percent annually, increasing the pressure on food supplies and social services. The per capita income is approximately \$160 per year.

Nepal's economic development has been hampered by geographic and demographic problems compounded by its isolation until 1951. These problems are offset only partially by the country's major resources--cheap labor, tourism, and vast hydroelectric potential. Eighty percent of Nepal's land is hilly or mountainous, creating a high population density on its arable land. Population pressure on the country's limited resources has resulted in recent years in rapid deforestation, serious erosion, and loss of soil fertility.

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Life expectancy is estimated at 46.8 years, with the average for women slightly lower. Infant mortality is estimated at a relatively high 106.5 deaths per 1,000 live births. An estimated 14 percent of the population has access to relatively safe drinking water, up from 9 percent last year due to extensive efforts by the Government and aid donors to build village water systems. The ratio of calorie supply available for consumption relative to nutritional requirements is estimated at about 90 percent. Approximately 60 percent of the population is believed to live below the absolute poverty level.

The literacy rate for Nepal is approximately 20 percent overall, with men (34 percent) leading women (5 percent) by a substantial margin due to traditional attitudes toward schooling for girls. School enrollment has been increasing, with 1982 figures showing 83.6 percent of school-age males and 33 percent of school-age females enrolled in primary school; the overall average is 58.8 percent.

The industrial sector is small, accounting for little more than 1 percent of gross domestic product. The Nepal Factories and Factory Workers Act of 1959, as amended, sets minimum wage rates and working conditions, including special rules for women and a minimum age of 14 years. Enforcement is spotty, however, and there have been reports of child labor being used in match and bidi (country cigarette) factories.

Women in Nepal have the right to vote and to hold property in their own name. Women's property rights have been enforced by the courts when cases are brought to them, especially in the Kathmandu area. However, women have yet to enjoy their rights fully in many rural areas, where lack of knowledge or understanding of the law is common and the weight of traditional practice and attitudes is great.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: NEPAL	1983	1984	1985	

I.ECON. ASSIST.-TOTAL...	18.5	17.5	20.6	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	18.5	17.5	20.6	
A.AID	13.8	14.1	18.4	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	13.8	14.1	18.4	
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0	
B.FOOD FOR PEACE.....	2.8	1.3	2.2	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	2.8	1.3	2.2	
TITLE I-TOTAL.....	0.0	0.0	0.0	
REPAY. IN \$-LOANS.....	0.0	0.0	0.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	2.8	1.3	2.2	
E.RELIEF.EC.DEV & WFP.	2.8	1.3	2.2	
VOL.RELIEF.AGENCY.....	0.0	0.0	0.0	
C.OTHER ECON. ASSIST...	1.9	2.1	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	1.9	2.1	0.0	
PEACE CORPS.....	1.9	2.1	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II.MIL. ASSIST.-TOTAL...	0.1	0.1	0.1	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.1	0.1	0.1	
A.MAP GRANTS.....	0.0	0.0	0.0	
B.CREDIT FINANCING....	0.0	0.0	0.0	
C.INTL MIL.ED.TRNG....	0.1	0.1	0.1	
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E.OTHER GRANTS.....	0.0	0.0	0.0	
III.TOTAL ECON. & MIL...	18.6	17.6	20.7	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	18.6	17.6	20.7	

OTHER US LOANS.....	0.0	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	0.0	0.0	

ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	1946-85

TOTAL.....	77.7	220.3	153.3	1196.9
IBRD	0.0	0.0	0.0	0.0
IFC	0.0	3.0	0.0	12.3
IDA	28.0	148.8	92.6	613.3
IDB	0.0	0.0	0.0	0.0
ADB	48.4	66.0	60.7	451.8
AFDB	0.0	0.0	0.0	0.0
UNDP	1.3	2.5	0.0	88.3
OTHER-UN	0.0	0.0	0.0	31.2
EEC	0.0	0.0	0.0	0.0

OMAN

The Sultanate of Oman is an absolute monarchy without popularly elected representative institutions. The reigning sultan, Qaboos bin Said Al Said, is the 14th ruler of the current dynasty. The State Consultative Council, formed in 1981, functions as an advisory body on economic and social questions. Members are appointed by the Sultan who has continued the House of Al Said's long tradition of firm control over all questions affecting the Omani State.

National security remains a matter of continuing close attention. In the early years of the rule of Sultan Qaboos, the Government's concern was focused on quelling an insurrection in the southern province of Dhofar supported by the People's Democratic Republic of Yemen. The insurrection was finally defeated in 1975, but threats from South Yemen and later from Iran forced Oman to continue to devote much revenue to defense. As the nation on the south shore of the Strait of Hormuz, Oman has become the focus of attention for efforts to protect the flow of oil from the area, with concomitant increased expenditure on military modernization. Many key jobs in the Government, especially in the military and internal security services, are occupied by outsiders, including many British.

Almost totally undeveloped in 1970, Oman has used its modest oil revenues to foster a remarkable degree of progress in the social, economic, and administrative spheres, achieving a significant improvement in the living standards of its people. The economic and social benefits that have accrued from the Government's efforts to modernize the country have won the allegiance of the urban population of the capital area and the provincial administrative centers. Sultan Qaboos has also built on a trend, already visible during the reign of his father, to bring notables of the tribal system of the interior into the national administrative system.

There were no major developments in 1985 with significant impact on the human rights environment in Oman. Although lacking formal codification of civil and political rights, the Government is reasonably accessible to the people through their tribal leaders and walis (governors). The internal security services are large, efficient, and pervasive, but are not generally regarded as repressive, and the integrity of the individual is generally respected.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There have been no known political killings in Oman in recent years.

b. Disappearance

There were no known disappearances in 1985.

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c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Though Islamic law is administered throughout the country by Islamic judges, the amputations prescribed by such law are generally commuted by the Government to prison terms. Exceptions may occur in remote areas, or among Bedouin tribes, but there is no confirmation of such practices, nor do they have the central Government's sanction. Prison conditions are considered severe by Western standards; cells are not air-conditioned despite summer temperatures which can reach over 115 degrees Fahrenheit, and all prisoners must observe the fasting requirements during the Islamic month of Ramadan. There are no reports of torture or other forms of cruel punishment by Omani authorities.

d. Arbitrary Arrest, Detention, or Exile

Though Omani law does not provide for habeas corpus or its equivalent, the period of detention before trial in criminal cases is usually short. Abuses of the police power of arrest have occurred, but the criminal code imposes penalties for unjustified arrest or detention. Citizens have several channels through which they can seek redress of any grievance against law enforcement authorities, and these appear to function well, particularly in rural areas. Membership in certain unauthorized organizations is a criminal offense. A small number of former members of the Popular Front for the Liberation of Oman (PFLO) are reportedly still under detention, as are fewer than 50 guerrillas from the Dhofar Insurgency (1965-75).

Approximately 500 Dhofaris returned to Oman in 1983 under an amnesty following the rapprochement between Oman and South Yemen. Smaller numbers continued to return in 1984 and 1985. All Omanis who were in exile under the previous Sultan were given the opportunity to return, and many thousands have done so since 1970. Incommunicado detention is not practiced. There is no forced labor.

e. Denial of Fair Public Trial

Islamic law prescribes a fair and speedy trial before experienced and impartial judges, and judicial practice in Oman conforms largely to these prescriptions. In fact, however, the majority of cases are settled by out-of-court negotiations. There is no right under law to a jury, counsel, or public trial, but members of the public do attend trials and hearings. The defendant is formally charged, either before a magistrate of the police court in the capital area or a local magistrate (qadi) in outlying areas. The defendant may call and question witnesses. If convicted, he may appeal his case to the chief magistrate of the police court system, and ultimately to the Sultan in cases involving serious offenses. The various judicial systems are technically subordinate to the Sultan, but they operate independently in the vast majority of cases.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

There are no reported instances in which the Government has interfered arbitrarily or unreasonably with the private lives of its citizens. However, warrants are not required to search

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private residences or offices. Such searches, as well as monitoring of telephones and private correspondence, are confined to cases where the Government perceives a security threat or criminal activity. There is no forced membership in political organizations. While there is no government policy to discourage the use of other languages in speech or print, or in religious instruction in the home, the Government has increasingly insisted that correspondence with it, and in public and legal documents, be in Arabic. Omani men have the right to marry as they choose but, in accordance with Islamic law, marriages between Omani women and non-Muslim men are not permitted.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

There are no guarantees in law which protect freedom of speech or freedom of the press. Criticism of the Sultan in any form or medium is prohibited by law. Criticism of individual officials, agencies, and their programs is tolerated, but is not given media coverage. The Government controls all radio and television broadcasting. Government control of all printed matter, including newspapers and magazines, is specified in the Press and Publication Law, issued in May 1984. The law imposes strict controls on, and a mechanism for prior censorship of, all information in printed form in both domestic and imported publications. The Government owns two of the three daily newspapers, one in Arabic and one in English. Subsidies to the several privately owned weekly and biweekly publications provide an effective incentive to self-censorship, although there have been arrests and closure for offensive articles. Thus, editorials and news coverage invariably reflect government views. Publications arriving in Oman from foreign countries are censored for politically or sexually offensive material and are occasionally banned. The censor's attention generally focuses on articles that directly attack or embarrass the Omani Government. In 1985, the Sultanate's only resident Western correspondent had his residence permit revoked and was forced to leave the country. Authorities are reported to have objected to his pursuit of news stories on sensitive matters. Such stories never appeared in the Omani media, but the authorities objected to their publication elsewhere. Academic freedom is not an issue as there are no institutions of higher education. Conversations with or among Omanis are candid on the subject of social, economic, and administrative development.

b. Freedom of Peaceful Assembly and Association

Freedom of assembly is not guaranteed by law. Associations of any kind must register with the Government, and those which oppose the political system of the Sultanate are prohibited.

Labor unions and strikes are illegal, and there is no collective bargaining; although Oman's labor law specifically prohibits the right to strike, it does mention the concept of "collective grievance" and encourages conciliation of disputes through the formation of joint consultative bodies of labor and management. The organization of other professional groups is embryonic.

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c. Freedom of Religion

Oman is an Islamic state and virtually all Omani citizens adhere to one or another sect of Islam, the exception being a small Hindu community made up of Omani citizens of Indian origin. Ibadhi Muslims are in an overall majority and include the Royal Family. However, members of the minority Sunni and Shi'a Muslim communities are found in all walks of life in both the public and private sector. Non-Muslim foreigners, both Christian and Hindu, are allowed to worship at designated locations. The Government of Oman has donated land for the purpose of building a Christian church and a new Hindu temple. Non-Muslims in Oman are prohibited from proselytizing. Conversely, conversion to Islam is encouraged and publicized.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Omanis living abroad before 1970 have returned to Oman in large numbers with official encouragement and without legal obstacles. Several thousand ethnic Omani refugees from East Africa, particularly Zanzibar, have been successfully resettled. Many Omanis who had sought refuge in South Yemen during the insurgency in Dhofar (1965-75) have returned to Oman with official encouragement. Non-Omani refugees are not permitted to remain in Oman. Those few that reach Oman are generally returned to their homelands unless they can be quickly resettled in a third country.

Omanis may travel abroad freely, although a woman must have authorization from her husband or father to obtain a passport. Many Omanis work abroad, particularly in the United Arab Emirates, where an estimated 30,000 Omanis are currently employed. Many of these people travel home to Oman on weekends. With the exception of a few military areas, there are no restrictions on travel by Omanis within their country. The Government's transportation program has greatly increased the ability to move within the country to heretofore inaccessible areas.

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

Oman is a monarchy in which the Sultan retains final word in all government decisions. Succession to the Sultanate is determined through a consensus of the Royal Family and leading public figures. There are no political parties, legal opposition groups, elections, or constitution. Citizens do have access to senior officials through the traditional practice of submitting petitions for the redress of grievances. Successful redress depends on the effectiveness of personal contact and the quality of the persons chosen as intermediaries. Outside of Muscat, the Government still reflects the tribal nature of Omani society. Traditional elites dominate the tribal and town councils, which settle intratribal disputes. Final authority, however, is with the walis (governors), who are appointed by the Sultan.

In an effort to broaden participation in the Government, the Sultan formed the State Consultative Council in 1981. It consists of 55 members drawn from the Government, the business community, and the outlying districts. It includes members of every significant ethnic, geographic, and religious group. At

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present, the Council's role is an advisory one, limited to the social and economic spheres.

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

The Government of Oman declined to receive a proposed Amnesty International mission in 1972 during the insurgency in Dhofar. Since then, there have been no known requests by international human rights organizations to visit Oman. There are no independent organizations in the country to monitor human rights violations. Freedom House rated Oman "not free." Amnesty International does not include Oman in its 1985 report. Oman has played a passive role in the United Nations and regional bodies on human rights issues.

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Oman's population of 1,200,000 is growing at the rate of 3.4 percent a year, boosted by an inflow of Omanis from overseas and of migrant workers from the Indian subcontinent and East Asia. Per capita gross national product is now over \$6,250.

Before 1970, the Government of Oman actively discouraged all forms of modernization. Oman was among the poorest countries in the world with a rudimentary economy and virtually no modern infrastructure. With the start of oil exports in 1967, the accession of the present Sultan to power in 1970, and the increase in oil prices in the 1970's, Oman has made remarkable advances in almost every index of development. Since 1970, the Government has devoted a large proportion of its oil revenues to infrastructure, industrialization, agriculture, fishing, expansion in communications, and the provision of a full range of social services to the population. The benefits of Oman's new prosperity have been by and large centered in the capital area and a few key provincial centers such as Salalah. The Government is aware of this imbalance, and has made some effort to redress it. Corruption in some areas has also siphoned off some of the gains from the commonweal, but the Government is taking steps to curtail corruption. Since 1970 the number of hospital beds has jumped from 12 to several thousand, the number of students in the schools from a few hundred to more than 200,000, and the length of paved roads from approximately 10 kilometers to over 3,000. Life expectancy has increased to 53.5 years, and programs for the eradication of endemic diseases are widespread. The infant mortality rate is 115 per 1,000 live births. Many towns and most rural areas still lack reliable supplies of safe water and electricity. The adult literacy rate is still below 50 percent, and many primary age children are not in school.

Since the early days of the reigning Sultan's rule, Oman has had a comprehensive labor law defining conditions of employment for both Omani and foreign workers, who constitute a large percentage of the work force. Reports are that the labor law is fairly enforced, and that workers' grievances, which are handled within the Ministry of Labor and Social Affairs, are generally given the benefit of the doubt in hearings conducted by labor inspectors.

Employment of children (those under 13) is prohibited. Omani law regulates the employment of juveniles, defined as those between the ages of 13 and 16, prohibiting evening and

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nighttime work, strenuous occupations, and overtime and holiday work. A special section deals with employment conditions for women, prohibiting evening and nighttime work, safeguarding health and morals, and setting out their rights to maternity leave.

Omani labor law is very specific on matters of occupational safety and access to medical treatment. Likewise, the workweek is set at 48 hours (36 hours for Muslims during Ramadan), and various categories of leave are set forth.

Though conservative, Oman has not been extreme in its attempts to impose strict adherence to Islamic precepts on women. For example, women have shared in the benefits of the social and economic growth of recent years, and schooling for girls is available to the same extent as for boys in urban areas, less so in rural areas. However, for cultural reasons, the educational level of girls still lags behind that of boys. Many urban Omani women drive. A few women have reached high levels in the public sector. By and large, however, occupational advances available to women are limited to the traditional spheres of teaching, secretarial work, and nursing. Oman's labor laws are protective of women, guaranteeing maternity leave and working conditions.

The gains achieved by a small minority of women are largely irrelevant to the great majority, both in the towns and in the rural areas, whose lives are carried out within the confines of the house and the local marketplace. The previous lack of adult education facilities means that all but the youngest females in rural areas are illiterate. This general lack of education, combined with communal and tribal customs which dictate a subsidiary role for women, makes it difficult for most adult women to participate fully in the modern sector. The expansion of educational facilities for girls (including the new university) will allow for some equalization of the position of women in the future, but the communal and tribal customs will continue to militate against full participation by women for the foreseeable future.

U.S. OVERSEAS - LOANS AND GRANTS - OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S. FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: OMAN	1983	1984	1985	
I. ECON. ASSIST.-TOTAL...	15.1	15.0	20.0	
LOANS.....	12.5	10.0	15.0	
GRANTS.....	2.6	5.0	5.0	
A. AID	15.0	15.0	20.0	
LOANS.....	12.5	10.0	15.0	
GRANTS.....	2.5	5.0	5.0	
(SEC. SUPP. ASSIST.)...	15.0	15.0	20.0	
B. FOOD FOR PEACE.....	0.0	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.0	0.0	
TITLE I-TOTAL.....	0.0	0.0	0.0	
REPAY. IN \$-LOANS.....	0.0	0.0	0.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	0.0	0.0	0.0	
E. RELIEF. EC. DEV & WFP.	0.0	0.0	0.0	
VOL. RELIEF AGENCY.....	0.0	0.0	0.0	
C. OTHER ECON. ASSIST...	0.1	0.0	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.1	0.0	0.0	
PEACE CORPS.....	0.1	0.0	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II. MIL. ASSIST.-TOTAL...	30.1	40.1	40.2	
LOANS.....	30.0	40.0	40.0	
GRANTS.....	0.1	0.1	0.2	
A. MAP GRANTS.....	0.0	0.0	0.0	
B. CREDIT FINANCING....	30.0	40.0	40.0	
C. INTL MIL. ED. TRNG...	0.1	0.1	0.2	
D. TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E. OTHER GRANTS.....	0.0	0.0	0.0	
III. TOTAL ECON. & MIL...	45.2	55.1	60.2	
LOANS.....	42.5	50.0	55.0	
GRANTS.....	2.7	5.1	5.2	
OTHER US LOANS.....	0.0	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	0.0	0.0	
ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	1946-85
TOTAL.....	0.0	15.0	23.3	103.3
IBRD	0.0	15.0	23.0	100.0
IFC	0.0	0.0	0.0	2.0
IDA	0.0	0.0	0.0	0.0
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	0.0	0.0	0.0	5.5
OTHER-UN	0.0	0.0	0.3	0.8
EEC	0.0	0.0	0.0	0.0

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During most of 1985, Pakistan was ruled by a Martial Law Administration headed by President Mohammed Zia-ul-Haq. On December 30, however, constitutional government was restored with the repeal of martial law and the reimposition of a modified version of the 1973 constitution, most of the provisions of which had been in suspense since the Martial Law government of General Mohammad Zia-ul-Haq seized power in July 1977. Historically, periods of constitutional rule in Pakistan have been interspersed with periods in which the government has ruled through emergency powers or martial law (or both). The most recent of these periods of martial law--Zia's Martial Law Administration--had in fact carried over a state of emergency it inherited from the civilian government it replaced 8 years before. In the new constitutional setup, Pakistan has both an executive president and a prime minister. Zia has stayed on as President and key policymaker, retaining also--at least for now--his post as Chief of Army Staff. However, he now shares power with Prime Minister Mohammad Khan Junejo, head of the Pakistan Muslim League and leader of a comfortable majority in the Parliament which was elected in February 1985 and which, with Junejo, managed the transitional period through the end of martial law.

The coup which brought Zia to power in July 1977 was sparked by a breakdown in constitutional order and nationwide disturbances, following a highly controversial election in which the ruling party was alleged to have perpetrated massive election fraud. During the ensuing 8 years of martial law, Zia promised but subsequently postponed national elections on two occasions before finally delivering on a third promise of elections with national and provincial elections in February 1985. During his 8 years of martial law rule, his regime sharply restricted individual rights and severely limited the traditional independence and responsibilities of the judiciary. Immediately prior to lifting martial law at the end of 1985, however, the Government canceled most martial law orders in effect and obtained parliamentary approval for the few which remain on the books. The articles of the Constitution guaranteeing the fundamental rights of Pakistanis and the powers of the judiciary have been fully restored.

Although Pakistan continues to make impressive economic progress, the country remains underdeveloped and the people largely illiterate and poor. Social, political, economic, and religious turmoil throughout its 37-year history has hindered the full development of a national identity and the evolution of democratic institutions.

The Soviet invasion of Afghanistan in 1979 has had a major impact on Pakistan. A leader of international opposition to that invasion, Pakistan provides refuge for well over 2 million Afghans, and is the target of an intense campaign of Soviet-inspired propaganda and disinformation. The fighting in Afghanistan has frequently spilled over the border with attacks on Pakistani border areas, resulting in over 130 deaths during 1985. Despite this constant pressure, and increasing economic and social dislocation in the border areas deriving directly or indirectly from the presence of the refugees, Pakistan has allowed the refugees freedom of movement and employment. Pakistan has also provided up to half the cost of supporting the refugees, supplementing extensive international support.

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Human rights abuses have been common under both civilian and military rule during Pakistan's 37 years and, although the trend was generally toward improvement, abuses continued in 1985. On the positive side, the Government, in addition to lifting martial law, held elections on a nonparty basis in February and March for a national assembly and four provincial assemblies. The opposition alliance, the Movement for the Restoration of Democracy (MRD), boycotted the elections, but two major parties actively encouraged their members to participate as individual candidates in the elections, which were characterized by a substantial voter turnout and by an absence of government interference. Press freedom also increased markedly in 1985, with newspapers frequently printing statements by opposition leaders harshly critical of the Government. During the year, Freedom House upgraded Pakistan's rating from "not free" to "partly free"; it observed that Pakistan had moved toward a more democratic and open system, although it noted that there was still a long way to go.

On the negative side, the authorities in 1985 on several occasions used preventive detention (usually for a relatively brief period) and more frequently used externment orders (banning individuals from a particular province) to curtail the activities of opposition leaders. In August, the Government placed the Pakistan People's Party (PPP) leader, Ms. Benazir Bhutto, under house arrest for martial law violations shortly after her return from overseas; she was later allowed to leave the country again. The Government also announced in August that all mail would be subject to seizure and search by the authorities for a period of 6 months. During the year, there were continuing allegations of torture and traditionally harsh and abusive treatment of prisoners. Military courts, which operated with scant regard for due process, concluded several major treason and subversion trials, resulting in the execution of those convicted.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There have been no allegations of government-inspired political killings. Cross-border air raids and artillery attacks by Communist forces based in Afghanistan, and several terrorist bombings directed against Afghan refugees in Pakistan, resulted in over 130 casualties.

b. Disappearance

No known disappearances resulted from official actions in 1985. Kidnaping, particularly for ransom, remains common, particularly in the semiautonomous tribal areas and more remote areas of Sind where banditry is reported on the rise.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There are credible allegations that police, paramilitary, and military torture of detainees took place in 1985. Allegations of torture have been heard in connection with all the major security-related trials completed during the year, including

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the "Libyan conspiracy trial" in Rawalpindi, the "Al Zulfiqar" treason trial in Lahore, and the military conspiracy trial in Attock.

Abuse of prisoners in common criminal cases also appears widespread. As under previous regimes, policemen and jailers use third degree interrogation methods. The local press regularly reports incidents of death in police custody. Although the Government investigates most publicized allegations of mistreatment, it has failed to institute systematic reforms aimed at eliminating them.

Three classes of prison facilities exist. Class "C" cells, which generally hold common criminals, suspected terrorists, and low-level political workers, usually have dirt floors, no furnishings, and poor quality food. The use of handcuffs and fetters is common in "C" cells. Political leaders and foreign prisoners usually are held in class "B" cells, which provide better treatment, less crowded conditions, and better food. Only prominent persons receive class "A" accommodations, which can include air conditioning and private servants. House arrest is a fourth category of imprisonment and the least onerous to the detainee.

The Government's 1979 Hadood Ordinances prescribe traditional Islamic punishments for theft, adultery, and consumption of alcohol; penalties include flogging, stoning, and amputation. There were occasional public floggings of persons convicted of sexual assault, adultery, drinking alcohol, possession of narcotics, and robbery in 1985. However, because of the strict Islamic rules of evidence in the ordinance (and the reluctance of officials to carry them out), no stoning or amputation sentences were carried out. According to published reports, a tribal council in a semiautonomous region may have imposed a stoning sentence in accordance with tribal custom.

d. Arbitrary Arrest, Detention, or Exile

Martial law regulations authorized detention up to 90 days for persons who act in a manner prejudicial to the regime. Although legally these detentions could only be extended for up to 2 years, in practice they were occasionally extended beyond that period. Detainees under martial law did not have access to a lawyer; nor could they apply for bail. With the termination of martial law, however, writs challenging detention orders filed under martial law ordinances and regulations, almost all of which have been ended, are permitted.

The number of political detainees fluctuated widely during the course of the year. In the period before the February elections, the Government detained perhaps 1,000 activists of political parties opposing the polls, most of whom were released within a month after the election. The authorities also on several occasions detained, generally for a few days, varying numbers of political activists to prevent the opposition political alliance from holding rallies and "summit" meetings. The Government also detained, usually for short periods of time, religious leaders and workers it suspected of attempting to incite sectarian hatreds.

During the year, several prominent political leaders who had been under detention for comparatively long periods were released, including the Vice Chairman of the Sind branch of

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the Pakistan Peoples Party (PPP) and the President of the National Liberation Front. PPP Chairman Benazir Bhutto was kept under house arrest in September and October but was freed when she petitioned to leave the country in November.

Although no official statistics exist, it is estimated that in 1985 there were as many as 60 political detainees in Pakistan. Former detainees claimed that prisoners under preventive detention are frequently held incommunicado and allowed little contact with families, lawyers, or doctors. Preparatory to lifting martial law, all cases before martial law courts were transferred to civilian courts. Many, but not all, detainees under martial law were released in the process.

No one has been sentenced to exile. There have been some press reports of forced labor camps located in remote areas of Baluchistan and run by the tribes. The inmates are usually kidnaped from their families as children by hostile tribes. The Government does not condone this practice.

e. Denial of Fair Public Trial

Until the December 30 lifting of martial law, there were three judicial systems: a civilian judiciary based on Anglo-Saxon law, Shariat Benches operating under Islamic law, and military courts functioning under various martial law regulations. According to the 1981 provisional constitutional order, the civilian judiciary could not review the actions of the martial law authorities and the military courts. Among the steps taken to pave the way for the lifting of martial law, the regime took action which transferred to civilian courts all cases being tried in military courts under certain martial law orders.

The Shariat Benches try offenses under the Hadood Ordinances but otherwise operate similarly to ordinary civilian courts. Cases referred to the Shariat Benches are heard by judges from the civilian court system who, in practice, apply ordinary criminal procedures in most cases. Defendants in the Shariat courts can obtain bail and lawyers of their choice; judges and attorneys must be familiar with Islamic law. The appellate benches are also staffed with ordinary judges from the provincial higher courts.

Under martial law, summary military courts customarily did not grant defendants the right of counsel and could dispose of cases in minutes. Although special military courts did not prohibit defense counsel, judges could impose secrecy on the proceedings and expel witnesses and defendants accused of acting in a "subversive" or "dilatatory" manner. Normally, at least two of the three judges of a special military court were military men with little training in law or familiarity with legal procedures and safeguards. Military court sentences could be appealed only to the Deputy Martial Law Administrators (i.e., the provincial governors) if the sentence was for less than 14 years' imprisonment or to the Chief Martial Law Administrator if the sentence was either death or more than 14 years.

During the year, special military courts handed down decisions in three major security-related trials. In March, a court in Lahore sentenced to life imprisonment all 54 defendants being held at the Kot Lakhpat jail on charges of high treason. Later that month, a court in Rawalpindi sentenced 5 defendants

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to life imprisonment for conspiring with a foreign power to overthrow the Government; 13 defendants were acquitted. In July, a special military court in Attock sentenced 7 military officers to long prison terms for plotting to assassinate leading government figures and to blow up strategic installations, acquitting 12 codefendants, including the Lahore lawyer Raza Kazim. All three trials were held in camera, and sources familiar with them allege that scant regard was paid by the presiding judges to normal legal procedures and safeguards in the Kot Lakhpat and Rawalpindi trials. Some sources believe better attention to legal procedure was paid at Attock.

Special military courts convicted Nasir Baluch of complicity in the 1981 hijacking of a Pakistan International Airways' aircraft, which resulted in the death of a Pakistani diplomat, and Ayaz Samoo for the assassination of a Karachi politician. Both men, who were also opponents of the regime, were tried in camera and both were executed. Some observers doubt that the accused were accorded normal procedural and substantive safeguards in mounting their defense.

Various estimates exist regarding the number of political prisoners. In August, the Lahore-based Political Prisoners Release and Relief Committee (PPRC) claimed that there were 366 prisoners of conscience in the country, and the Karachi Bar Association identified 122 alleged political prisoners in the Province of Sind (the PPRC had claimed that there were 192 in Sind). Some opposition figures have claimed there were as many as 400 political prisoners in Sind, while the Lawyers' Committee for International Human Rights in a recently published report estimated that there were perhaps 1,000 political prisoners in all Pakistan as of April 1985. All of these figures apparently include a number of detainees, as well as a large number of persons convicted of specific acts of terrorism or violence, often of a political or dissident nature. It is believed that the number of persons serving sentences primarily for political beliefs or acts is relatively small. In August, the Interior Minister admitted to a total of six political prisoners in Pakistan.

In a special report on Pakistan, the Lawyers' Committee for International Human Rights outlined the alleged deterioration of Pakistan's legal system under martial law.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Decisions about occupation, education, place of residence, and family size are made without official interference. While police must obtain a warrant before entering a private home, authorities have occasionally ignored these formalities in dealing with political opponents of the regime and with suspected bandits.

Pakistan traditionally has maintained a domestic intelligence service to monitor political activists, terrorists, and foreign intelligence agents. Informed sources maintain that wiretapping is used against opposition politicians.

In August, the Government announced that, in order to intercept materials aimed at undermining the ideology of Pakistan, all foreign and domestic mail would be subject to interception and check by the authorities for a period of 6 months.

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Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Government owns and operates the radio and television stations and strictly controls the news they carry. A government press trust controls four of the larger newspapers and one of the two national wire services, which are also circumspect in their coverage of the news. The other newspapers and magazines are privately owned and relatively free.

Since the February elections, there has been increasingly free discussion of government policies and criticism of the Government in the privately owned press. During the spring 1985 election campaign, the press was barred from reporting any statements advocating a boycott of the polls. In addition to providing relatively unfettered reporting of statements made by the newly elected legislators, the press has also extensively covered hostile remarks by the leadership of the extraparliamentary opposition. In July, the Information Minister informed the National Assembly that the Government had ended the system of press advisories, through which the Government instructed the media how to report on certain topics. According to press sources, only a few subjects--such as sectarian conflict and relations with India--are now subject to press advisories.

The Information Minister also told the House that the Government would no longer use the placement of advertisements to influence the editorial policies of newspapers. In the past, the Government, by far the single largest advertiser in the country, pressured recalcitrant newspapers by withdrawing advertising. Given the increasingly critical coverage featured in many newspapers, the Government generally appears to be upholding this commitment. However, it reportedly cut in half the advertising revenue for one regional newspaper which prominently reported the return of Benazir Bhutto.

Academic freedom appears circumscribed. The Government has tried to abolish the faculty senate and student council at Quaid-E-Azam university, a move which many faculty members regard as an attempt to curtail academic freedom. A more serious threat to academic freedom, however, is the atmosphere of violence and intolerance among the student body. Well-armed groups of Islamic fundamentalist, secularist/leftist, and ethnic nationalist students clash periodically and attempt to force their views on their classmates and the faculty. Institutions are frequently closed as a result of such violence.

Although literary and creative works remained generally free of censorship in 1985, Pakistani books and magazines dealing with politics were frequently banned. The authorities sporadically confiscated such literature. Foreign publications critical of the regime were occasionally seized. No effort was made to restrict access to foreign broadcasts, although one Pakistani stringer for a foreign broadcasting service was briefly detained during the February election campaign.

b. Freedom of Peaceful Assembly and Association

Under martial law the right to free assembly was closely controlled. Permits had to be obtained for open meetings, and

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permission to hold political meetings was infrequent and selective. During 1985, opposition groups used the tactic of meeting at Friday prayers in a designated mosque. On several occasions, clashes occurred with police when the opposition activists attempted to move from the mosque into the streets for demonstrations. Weddings and ceremonies ending fasts have also been the venue of political gatherings.

Authorities occasionally permitted or tolerated smaller opposition meetings or impromptu street demonstrations, and the Movement for the Restoration of Democracy held a large rally in Lahore on August 14. Although still active, student unions remain officially banned.

Workers in most jobs may form labor unions, elect collective bargaining agents, and negotiate on wages and working conditions. Most Pakistanis work in either small, unorganized shops or in the agricultural sector; hence only about 7 percent of the work force is unionized, and long-standing labor law precludes industry-wide collective bargaining. Government measures instituted in 1981 to ban union activities in the state-run Pakistan International Airways (PIA) have not been enforced; the main PIA unions are associated with the banned Pakistan People's Party. Strikes were prohibited under martial law, but there were a number of "go slows" and other labor disputes during the year, including a major walkout by workers at the government-owned Wah ordnance factory.

Under martial law, formal affiliation of labor unions with the officially "defunct" political parties was banned, although informal links were strong in some cases. Pakistani labor unions, professional associations, and employers' associations have the right to federate and to maintain relations with international bodies such as the International Labor Organization and the International Confederation of Free Trade Unions.

c. Freedom of Religion

Pakistan is an Islamic Republic. Minority religious groups are protected, but Hindus, Christians, and Parsis do not enjoy the same legal rights as Muslims. Reports of discrimination against minority groups in the areas of employment and education appear well-founded. Seats in the national and provincial assemblies are reserved for members of minority religious groups, and under the reinstated 1973 Constitution the president and prime minister must be Muslims.

In general, minority groups can practice their religion openly. Members of minority religious groups can maintain links with their coreligionists in other countries and undertake travel for religious purposes. Foreign clergy may enter the country to serve congregations. Although conversions are permitted, the Government prohibits proselytizing among Muslims and has refused to renew the residence permits of some foreign missionaries who have ignored this ban.

The Ahmadi sect, which considers itself Muslim despite theological differences with traditional Islam, has historically been repressed. In 1974, the Bhutto regime amended the Constitution to declare the Ahmadis a non-Muslim minority. In April 1984, the Zia Government banned the use of Muslim terminology and proselytizing by the Ahmadis. Citing

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their belief that they are Muslims, the Ahmadis refused to run for any of the minority seats reserved for them in the 1985 elections. Sporadic clashes between the Ahmadis and anti-Ahmadi groups continued throughout the year. A number of prominent Ahmadis were murdered in the Sind Province, presumably by anti-Ahmadi fanatics. In what appeared to be deliberate efforts to court arrest, a number of Ahmadis were detained at various locations throughout the country for wearing badges bearing the Islamic profession of faith. Most were quickly released, but some complained of brutal treatment by the authorities. In October, the Government denied the Ahmadis permission to hold two large meetings at their headquarters in Rabwah, while at the same time allowing anti-Ahmadi groups to hold demonstrations in the same area.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Pakistanis generally have freedom of movement within the country. However, prior to lifting martial law, the Government frequently placed restrictions on opposition political leaders, banning them from travel to certain provinces for a specific period of time (usually 90 days). For most Pakistanis, foreign travel is unrestricted; over 2 million work abroad. Under martial law the authorities occasionally restricted the foreign travel of some political figures and women's rights activists. The right of citizens to return to the country is, with infrequent exception, recognized.

Over 2 million Afghans have fled to Pakistan as a result of the Soviet invasion. The Government administers over 300 refugee camps and bears much of the cost of inland transportation of relief supplies provided by various donors. Pakistan has placed few restrictions on travel by, or employment of, the Afghans.

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

A martial law regime led by General Zia-ul-Haq governed Pakistan from 1977 to December 30, 1985, during which period a lieutenant general holding the titles of governor and martial law administrator governed each of the four provinces. Zia interpreted the results of a referendum held in December 1984 as an endorsement of his rule, and was sworn in in late March 1985 for a 5-year term as President.

Mohammad Khan Junejo serves as head of the newly elected civilian Government, i.e., Prime Minister. He is part of the National Assembly and responsible to that body. He is assisted by a Cabinet composed of members of Parliament. Similarly, the provincial governments are headed by chief ministers, who are also assisted by cabinets comprised of civilian provincial legislators.

In February and March 1985, elections were held for national and provincial assemblies. Although the Government declared its intention to allow most members of the MRD to stand as individuals, the opposition alliance boycotted the elections, calling for immediate restoration of the 1973 Constitution. However, two of the four most prominent parties in the country chose to participate actively in the elections. A large number of candidates--including many former members of the

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boycotting parties--ran, and the election turnout was high by Pakistani standards. (Most observers felt that the Government's figures of 53 percent for the national elections and 57 percent for the provincial elections were consistent with earlier voter turnout.) Outside observers, including Western journalists, generally believe that there was little government interference in the elections. Five of the nine serving cabinet ministers who ran in the elections were defeated. At the end of the year the regime, in steps culminating in the lifting of martial law, took action which restored the articles of the Constitution guaranteeing the fundamental human rights of Pakistanis.

Political parties, officially banned in Pakistan since 1979, remained proscribed throughout most of 1985. The political parties now can operate legally after they register with the Government under a new act passed just before the lifting of martial law. The newly elected assemblies have on many issues divided into pro- and antigovernment blocs with little reference to party lines. The Government has been careful to build a consensus for its programs of gradual transition to constitutional government; parliamentary pressure appears to have played an important role in holding the Government to its promise to lift martial law, and Parliament has participated actively in drafting the legislation establishing the postmartial law political structure. The relative balance of power between the President and Prime Minister has been shifted in favor of the latter, but the Presidency still retains sweeping powers.

Pakistan's acceptance into membership in the International Parliamentary Union was announced in September.

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

Domestic human rights organizations operate largely free of official harassment, and their reports receive extensive coverage in the privately owned press. Police brutality has even been satirized on Pakistan television. In 1985, the Government did not retaliate against bar associations and other groups which criticized human rights abuses.

Pakistan has allowed visits by international human rights organizations, but has neither cooperated with them nor responded to critical reports by Amnesty International, Freedom House, the Lawyers' Committee for International Human Rights, and others. However, in some specific cases (e.g., the Raza Kazim case and the Attock trial), the Government appears to have responded positively to international concern.

In its 1985 Report, Amnesty International expressed concern over the continuing detention of prisoners of conscience; the fact that hundreds of other political prisoners were tried before military courts whose procedures fell short of internationally accepted standards for a fair trial; incommunicado detention; reports of torture and deaths of criminal suspects in police custody, allegedly due to torture; the detention of prisoners in bar fetters and shackles; and the frequent imposition of death sentences and flogging. During 1985 Freedom House upgraded Pakistan's rating from "not free" to "partly free."

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ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Pakistan's population of some 99 million is growing at an annual rate of 2.6 percent. Per capita gross national product was \$390 in 1983, and the average annual growth rate for the gross domestic product of better than 6 percent a year since 1977 has led to a gradual but sustained rise in living standards. The percentage of the population living below the absolute poverty line had fallen, as of 1979, to 32 percent in the cities and 29 percent in the rural areas. According to official 1984 estimates, the poorest 20 percent of households earn 7.5 percent of the total income.

Social and economic upward mobility is increasingly possible, particularly as a result of repatriated funds from family members working abroad. Pakistan faces many problems common to the developing world: an overall adult literacy rate of 26.2 percent; an infant mortality rate of 124.6 per 1,000 live births; and a life expectancy at birth of 51 years for males and 49 years for females. In spite of increased government attention to rural development, programs for improving living conditions have had mixed results and substantial disparities between urban and rural life still exist. For example, in 1981, 72 percent of urban dwellers had access to potable water, compared to only 20 percent of those in rural areas; urban areas had a literacy rate of 47 percent, the countryside, 13.7 percent.

A key element of the sixth 5-year (1983-88) plan, as amended, is a higher level of allocations for what have been woefully underfunded social sectors. Priorities for these sectors are reflected in the current year's federal budget, where projected outlays for education, with emphasis on primary education in rural areas, are to grow from 6 percent of the total budget expenditures in 1985 to 10 percent in 1986. Expenditures in support of health services are to increase by 22 percent, with major outlays to fund the establishment of basic health centers at the village level. A wage indexation program to reduce the effects of inflation on the poorest segments of society was implemented for the first time in 1985, and the current budget also places emphasis on housing construction and upgrading of existing slum dwellings in Karachi and other major cities. Changes in both tax brackets and rates will also benefit lower-income families.

Corruption has apparently become more widespread over the past decade as large sums of money have entered the country from overseas workers and narcotics trafficking. Socially prominent Pakistanis suffer less at the hands of officialdom than those less well-off, partly because of their ability to return favors or offer inducements to appropriate civil servants and partly because of the general deference still accorded social "betters."

Pakistan law sets minimum wages for both skilled and unskilled labor. Comprehensive health and safety legislation provides for inspection of the workplace by government inspectors to insure compliance with health, safety, and workmen's compensation regulations. Although observed mainly in the breach, the law requires that no adult shall work more than 9 hours without payment of overtime, no worker shall work more than 10 hours of overtime per week, and no child under the age of 15 is to be employed. Children between the ages of 15 and 17 are not to work more than 5 hours a day.

PAKISTAN

The Government has had institutions in place to administer these labor regulations since independence. Nevertheless, lack of resources, corruption, and illiteracy hamper the application of labor legislation. Noncompliance is widespread and punishments for infractions are rarely meted out.

Pakistani society is traditional and Islamic. It assigns women a subordinate role in terms of civil, political, and individual rights. Many Pakistani Muslims interpret the Koran's injunction on modesty to mean that women should remain in "purdah," either at home or behind the veil. These attitudes have contributed to an adult female literacy rate of only 15.2 percent, compared to 36 percent for males (1981 estimates). As of 1980, the primary school enrollment ratio was only 27.7 percent for girls as compared to 69.3 percent for boys. The ratio of men to women in secondary educational institutions, according to 1983 Pakistani statistics, was better than five to one. Eight times as many men as women work outside the home, and those women who work or attend school usually do so in separate facilities.

Urban women are represented in the universities, but postgraduate employment opportunities remain largely limited to teaching, medical services, and the law, with a small number of women entering the commercial and public sectors. The Government's policy of "Islamization" has reversed some of the social and legal gains made by women in past years. Women may not participate in international athletic competition abroad, and, as part of a drive to push for the wearing of traditional garb by both men and women, the Government determines appropriate dress for women employees appearing in public on television, in the print media, and as airline stewardesses.

Although the original caste distinctions common to South Asian societies are disappearing in Pakistan, clan affiliations, which in some ways parallel the old caste system, can still help or hinder those seeking education, employment, or justice.

U.S. OVERSEAS - LOANS AND GRANTS - OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S. FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: PAKISTAN

	1983	1984	1985	

I. ECON. ASSIST.-TOTAL...	278.7	307.4	339.2	
LOANS.....	114.5	122.5	139.1	
GRANTS.....	164.2	184.9	200.1	
A. AID	200.0	225.0	250.0	
LOANS.....	67.0	75.0	83.0	
GRANTS.....	133.0	150.0	167.0	
(SEC. SUPP. ASSIST.)...	200.0	225.0	200.0	
B. FOOD FOR PEACE.....	75.8	79.0	86.2	
LOANS.....	47.5	47.5	56.1	
GRANTS.....	28.3	31.5	30.1	
TITLE I-TOTAL.....	47.5	47.5	56.1	
REPAY. IN \$-LOANS.....	47.5	47.5	56.1	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	28.3	31.5	30.1	
E. RELIEF. EC. DEV & WFP.	28.3	31.5	30.1	
VOL. RELIEF AGENCY.....	0.0	0.0	0.0	
C. OTHER ECON. ASSIST....	2.9	3.4	3.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	2.9	3.4	3.0	
PEACE CORPS.....	0.0	0.0	0.0	
NARCOTICS.....	2.9	3.4	3.0	
OTHER.....	0.0	0.0	0.0	
II. MIL. ASSIST.-TOTAL...	260.8	300.8	326.0	
LOANS.....	260.0	300.0	325.0	
GRANTS.....	0.8	0.8	1.0	
A. MAP GRANTS.....	0.0	0.0	0.0	
B. CREDIT FINANCING....	260.0	300.0	325.0	
C. INTL MIL. ED. TRNG...	0.8	0.8	1.0	
D. TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E. OTHER GRANTS.....	0.0	0.0	0.0	
III. TOTAL ECON. & MIL...	539.5	608.2	665.2	
LOANS.....	374.5	422.5	464.1	
GRANTS.....	165.0	185.7	201.1	

OTHER US LOANS.....	0.0	66.9	0.0	
EX-IM BANK LOANS.....	0.0	66.9	0.0	
ALL OTHER.....	0.0	0.0	0.0	

ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	1946-85

TOTAL.....	581.1	656.0	1093.2	6467.2
IBRD.....	75.2	131.5	433.0	1570.3
IFC.....	90.2	25.3	39.9	241.5
IDA.....	223.8	174.5	245.3	2222.8
IDB.....	0.0	0.0	0.0	0.0
ADB.....	180.1	312.1	375.0	2145.6
AFDB.....	0.0	0.0	0.0	0.0
UNDP.....	6.8	12.6	0.0	141.9
OTHER-UN.....	0.0	0.0	0.0	145.1
EEC.....	0.0	0.0	0.0	0.0

QATAR

Qatar, a small, wealthy Persian Gulf state ruled by an amir from the Al Thani family, is governed by a 1970 Basic Law, which institutionalizes the customs and social mores of Qatar's conservative Wahhabi Muslim heritage. These include respect for the sanctity of private property, freedom from arbitrary arrest and imprisonment, and protection against transgressions of Islamic law (the Shari'a). Thus, although the Amir holds nearly absolute power, he must exercise authority with care. While he may, for example, suspend any secular law or countermand any civil court decisions, he is unlikely to do so, especially without consulting his Council of Ministers and the Advisory Council of Notables that assist him in making policy decisions. The Amir is also unlikely to reach any major decision without achieving a consensus within his family.

Qatar's economy continues to expand at a slower rate than it did during the 1970's and early 1980's. The economy is mixed, with the state owning and operating most basic industries and services while retail trade and the construction industry remain in private hands. Its fast developing industrial infrastructure has led to the creation of an expatriate community which outnumbers the native population by almost four to one. Limiting the influence and controlling the activities of expatriates are for most Qataris major national goals. Qatari resentment against expatriates makes them more likely than natives to be the victims of arbitrary police action. It is also difficult for an alien to take legal action against a citizen. The economic slowdown of 1983-1985 has encouraged the Government to continue its policy of reducing the number of expatriates. This policy, however, has been carried out with some compassion. Palestinians, for example, have on the whole not been forced to leave unless able to make arrangements to settle elsewhere. Expatriates from South Asia have not been so lucky, and their numbers have dropped noticeably.

The human rights situation in Qatar did not change appreciably in 1985. There are many factors against change--not the least being the absence of any credible internal pressure on the regime. So long as the Government feels secure, major innovation is likely to occur only as the result of a consensus within the ruling and other leading families.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There were no known political killings in 1985.

b. Disappearance

There were no reports of disappearances in 1985.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is not condoned by the authorities and, although the Government does administer most of the corporal punishments prescribed by the Shari'a, it no longer allows amputation. Although non-European expatriates routinely complain of

QATAR

maltreatment after their arrest by Qatari authorities, the practice does not seem to have official sanction. Executions rarely occur. Prison conditions are uncomfortable but adequate. Family members and friends may bring food to supplement the monotonous prison fare as well as small luxuries and mail. There have been allegations of overcrowded and unsanitary conditions in the women's prison.

d. Arbitrary Arrest, Detention, or Exile

As a general rule, the authorities must charge suspects before a competent court within 48 hours. In most cases involving expatriates, the police have promptly notified the appropriate consular representative. Suspects detained in security cases are generally not afforded their rights. An expatriate arrested in 1983 in a security case was never formally charged and was held under house arrest for over a year.

Involuntary exile has not been practiced in over a decade. Expatriate offenders are normally deported upon completion of their sentences. There is no forced labor.

e. Denial of Fair Public Trial

Except for security cases, most disputes are judged before either a civil or Shari'a court. The civil courts adjudicate most commercial cases involving expatriates. The Shari'a courts administer criminal and family law and may, if one party requests, take jurisdiction in business cases. Although the judiciary is nominally independent, most judges are expatriates holding residence permits granted by the civil authorities and thus hold their positions at the Government's pleasure.

Many expatriates find proceedings in the Shari'a courts bewildering. Only the disputing parties, their relatives and associates, and witnesses are allowed in the courtroom. Lawyers may not play any formal role save that of preparing litigants for their cases. Although non-Arabic speakers are provided with translators, foreigners report being at a considerable disadvantage, especially in cases involving the nonperformance of contracts. Shari'a trials are normally brief. After both parties have stated their cases, and examined witnesses, the judge is likely to deliver a verdict with only a short delay. Criminal cases are normally tried 2 to 3 months after suspects are detained.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Traditional attitudes regarding the sanctity of the home provide a great deal of protection against arbitrary intrusions. Except in security cases or emergencies, the police must normally obtain a warrant before searching a residence or business.

Police routinely monitor the communications of criminal and security suspects. Mail thought to contain either pornography or drugs is also opened as a matter of course.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Although both expatriates and Qataris are free to say what they wish privately, public criticism of the ruling family and its

QATAR

policies is not tolerated. The Government strongly discourages attacks on other Arab governments as well. This policy applies to the electronic media, which are government-owned and controlled, and to the press. The journalists, particularly expatriates, generally avoid pressing against these restrictions because of the risk of having residence permits cancelled.

The authorities routinely screen all video cassettes, audio tapes, books, and periodicals for objectionable political sentiments and pornography.

b. Freedom of Peaceful Assembly and Association

The Government allows private social, sports, trade, professional, and artistic societies to operate. The activities of these organizations, which must register with the Government, are closely watched.

Government policy does not allow political parties or demonstrations.

While there is no law forbidding the formation of labor unions or strikes, the Government in practice allows neither. There is no collective bargaining by workers.

c. Freedom of Religion

Qatar's state religion is Islam, the Koran is its basic constitution, and the Shari'a its legal code. Muslims enjoy certain advantages such as preferential employment. All other faiths are prohibited public worship, and they may not proselytize. Apostasy from Islam remains a capital crime, although no one has been executed for it in recent memory. The Government does tolerate the private practice of non-Muslim religions, both by allowing parents to raise children in non-Muslim faiths and by allowing private gatherings in private homes for worship.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on internal travel. Male Qataris travel abroad at will. Females, both Qatari and foreign, usually require the permission of a male guardian or relative to leave the country. All Qatari citizens have the right to return. Foreigners are subject to immigration restrictions designed to control the local labor pool. They require a local sponsor to enter and their sponsor's permission to depart.

The Government has no formal policy on refugees. Those attempting to enter illegally, including defectors from nearby countries, are denied entry. Often refugees who can get local sponsorship or employment may enter. If they lose their jobs, however, they are expected to leave. The Government has apparently been willing to relax its rules in order to help Palestinians unable to find refuge elsewhere.

Section 3 Respect For Political Rights: The Right of Citizens To Change Their Government

Qatar's political institutions blend the characteristics of a traditional Bedouin tribal state and of a modern bureaucracy. There are no political parties, elections, or organized

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opposition to the Government, and the Amir exercises all executive and legislative powers. His autocratic rule, however, is checked to some extent by entrenched local customs. Interlocking family networks and the recognized right of citizens to submit appeals or petitions personally to their Amir provide effective, if informal, avenues for redress of grievances and also serve to limit abuses. The custom of rule by consensus leads to extensive consultations between the Amir, leading merchants, religious leaders, and other notables on important policies. Women for the most part play no role in public life.

Under Qatar's Basic Law of 1970, the Amir must be chosen from among and by the adult males of the Al Thani family. The current Amir has designated his oldest son as heir apparent. This took place with the consent of the notables and religious leaders according to established custom. There are no serious challenges to this arrangement, and in the foreseeable future effective political power will remain in the hands of the Amir, his family, and the local notables.

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

No major international or nongovernmental organization monitoring human rights abuses has asked to investigate conditions in Qatar. Amnesty International's 1985 Report did not include Qatar among the countries surveyed. Freedom House calls Qatar "partly free." Qatar has expressed concern over the plight of Palestinian, Lebanese, and Afghan refugees.

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Qatar's population is estimated to be 292,000 and to be growing at an annual rate of about 4.2 percent. The per capita gross national product is approximately \$22,000 (1982).

Life expectancy at birth is 72 years, and the infant mortality rate is 42 per 1,000. Education is free for citizens through graduate school; most of the large expatriate communities have their own schools. The adult literacy rate in 1981 was just over 50 for men and women.

Oil revenues have enabled the Government to develop an extensive network of social services. Health care is provided free to all residents. Staple foods such as flour, milk, and rice are subsidized; prices of other items are regulated. Citizens receive subsidized housing and scholarships for higher study abroad. Most Qatari males, and all heads of families, are guaranteed a reasonable income either through government employment or social security payments.

The minimum working age is 18 years, but expatriate children frequently work at younger ages in small businesses and shops. Some regulations concerning worker safety and health exist, but enforcement is spotty. There is no minimum wage in Qatar and most workers spend less than 48 hours per week on the job.

In this conservative society, women remain in a subordinate position, largely relegated to roles as mothers and homemakers, although some are now finding jobs in education, medicine, and the news media. Their activities are still bound by a number of social customs and quasi-legal restrictions, such as veiling

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and prohibitions against the issuance of driver's licenses, and they continue to face widespread discrimination. For example, women do not regularly receive the overseas university scholarships available for males, and their employment, while tolerated, is discouraged beyond such fields as nursing, teaching, and home economics. Public life is a male sphere. Expatriate women find it easier to get jobs or to own and manage a business than their Qatari counterparts. On the other hand, mandatory schooling for girls and the opening of employment opportunities for women in medicine and education represent a shift in attitude, as does the slowly expanding number of women allowed to go abroad for university studies. There are signs that as more Qatari women receive education, they will press for a relaxation of some of the restrictions from their country's tribal past.

SAUDI ARABIA

Saudi Arabia is a traditional, Arab, and Islamic monarchy ruled by the sons of its founder, the late King Abd Al Aziz (known in the West as "Ibn Saud"). There is no written national constitution.

By convention, the King is chosen from among the sons of Abd Al Aziz, who themselves have preponderant influence in the choice. Senior religious scholars and other princes also have a voice. The King serves as Prime Minister. Officials from the highest levels on down maintain contact with citizens by holding open door audiences regularly. There are no elected assemblies or political parties, and nonreligious public assembly and demonstrations are not permitted. Non-Muslim public worship is banned. The legitimacy of the regime rests upon its perceived adherence to the defense of Islam, particularly the austere Hanbali School of Islamic jurisprudence. Rulers and ruled share a respect for laws believed to be divinely inspired and ancient customs which call for authority based on consensus in government, internal social cohesion, and economic private enterprise. Social custom mandates strict separation of the sexes outside the home, greatly limiting job or career possibilities for women.

During the past 30 years, massive oil revenues have transformed Saudi Arabia's centuries-old pastoral, agricultural, and commercial economy. This transformation has been marked by rapid urbanization, large-scale infrastructure development, government subsidies to entrepreneurs and consumers, the emergence of a technocratic middle class, and the presence of almost 3.5 million foreign workers. Economic activity and resources (except oil) have largely remained in private hands.

No major new developments affected human rights during 1985. Due to unsettled conditions in the Middle East, the Iran-Iraq war, the basic ideological enmity of the Iranian revolution toward Saudi Arabia, the lingering memory of antiregime disturbances in 1979-80, terrorist incidents and discoveries of foreign-supported subversive activities in the Gulf States, as well as two terrorist bomb explosions in Riyadh last May, Saudi authorities remain deeply concerned about internal security. There have been several reports of mistreatment of prisoners in 1985.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There were no known political killings in 1985.

b. Disappearance

Disappearances at the hands of official agents are unknown.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Government policy prohibits torture, but some punishments meted out under Islamic Shari'a law involve amputation. There

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have been reports during 1985 of police beatings of detainees to elicit confessions, which in the absence of witnesses are usually required for conviction in Shari'a courts. One American citizen was detained and flogged by the so-called Mutawwi'in (enforcers), or members of the Committee for Propagation of Virtue and Prevention of Vice. These are government employees who assert the right to detain suspects for up to 48 hours before turning them over to police, and to administer floggings to encourage confessions. The American's accusation is being investigated by the authorities. Prison conditions are apparently not unusually harsh or intentionally degrading. There were reports during 1985 of mistreatment of foreign national prisoners in a Riyadh jail and of routine beatings of Saudi prisoners in the Qatif traffic jail. There was one documented instance in 1985 of abuse of an American inmate at Dammam Central Prison. These appear to involve abuses by lower-level officials, and not expressions of policy. The Interior Ministry investigated reports that surfaced in 1983 alleging that foreign national prisoners had been subjected to beatings, sleep deprivation, and high frequency noise in order to extract confessions. In cases where the reports were found accurate, the Government took disciplinary action.

In accordance with Shari'a law, Saudi Arabia imposes capital punishment for the crimes of premeditated murder, adultery, apostasy from Islam, and, depending upon the circumstances, rape and armed robbery. The Interior Minister and Cassation Courts review all cases in which capital punishment has been imposed. During 1985, the number of death sentences increased sharply (34 executions in the first 9 months of the year) from the low levels (5 or fewer) in most recent years. Furthermore, death sentences have been handed down for crimes that are not normally considered capital. Four Saudis were beheaded for crimes in which no one was hurt: two for armed robbery and two policemen for burglary, drug dealing, and other offenses. Beheading is the usual method of execution. Execution by firing squad or stoning may be imposed for adultery. Severe social disapproval discourages adultery, and the requirement of confession or testimony by four eyewitnesses renders conviction for adultery rare. A recidivist thief may suffer severance of a hand. For less severe crimes, such as drunkenness, or publicly infringing Islamic precepts, flogging with a cane is often imposed. Public flogging is intended to humiliate the criminal and serve as a deterrent to others. The skin is not to be broken, but floggings are painful and leave welts.

d. Arbitrary Arrest, Detention, or Exile

There were several dozen arbitrary arrests and imprisonments of Shi'a in the Eastern Province during 1985. There is no automatic procedure for contacting a detainee's family or employer. If asked, however, the police will usually confirm an arrest. Shari'a law makes no provision for bail or habeas corpus. Prisoners may be held for months while an investigation proceeds before being either charged or released. Regulations issued by the Interior Ministry in 1983 to eliminate lengthy pretrial detentions or detentions without charge have not been vigorously applied. On the other hand, the Board of Grievances, an independent judicial body empowered to investigate citizens' complaints against official abuse, has used authority granted to it in 1983 and has become an effective if slow avenue of redress for citizens and

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private corporations against state institutions, public sector companies, and government officials accused of malfeasance, nonfeasance, bias, or corruption.

Normal consular notification of arrests of foreign nationals is almost unheard of, and police authorities frequently deny consular access during the investigative phase. It is impossible to estimate accurately the number of individuals affected. There have been credible allegations of incommunicado detention and solitary confinement. Forced labor and exile as a form of punishment are unknown.

e. Denial of Fair Public Trial

The judicial system is founded upon the Shari'a. The Shari'a courts exercise jurisdiction over common criminal cases and civil suits regarding marriage, divorce, child custody, and inheritance of real or personal property. Trials are generally closed and are normally held without counsel, though the advice of Islamic lawyers is available before trial. In the Shari'a court the defendant appears before a judge, who determines guilt or innocence and, if warranted, imposes the appropriate punishment. Appeals against judges' decisions are automatically reviewed by the Justice Ministry or, in more serious cases, by the Supreme Judicial Council to ensure that court procedure was correct and that the judge applied appropriate Shari'a principles and punishments. Counsel is not permitted in the court itself, but lawyers may act as interpreters for those unfamiliar with Arabic. With rare exceptions, there is no consular access to foreign nationals' trials. The independence of the judiciary is ensured by law and respected in practice. The Justice Ministry is responsible for the appointment, transfer, and promotion of judges. Judges may be disciplined or removed only by the Supreme Judicial Council, an independent body of senior jurists. The Supreme Judicial Council has investigated and removed corrupt judges so that they might be prosecuted and jailed.

Specialized labor and commercial courts decide cases on the basis of decrees issued by the Council of Ministers and regulations issued pursuant to those decrees. The Commercial Courts' effectiveness is vitiated by frequent serious delays in reaching decisions and practical difficulties in enforcing judgments reached. The military justice system has jurisdiction over uniformed personnel and civilian government employees charged with violations of military regulations. Decisions of courts martial are reviewed by the Minister of Defense and Aviation and by the King.

The Board of Grievances arbitrates claims against the State. The President and Vice President of the Board are experienced jurists. They are aided by board members expert in administrative, contract, corruption, civil service, and forgery legislation. The President is responsible directly to the King, and the members of the board are guaranteed considerable independence. The board has vigorously wielded new powers, granted by a 1983 decree, to call erring officials to account.

There were no reports of prisoners formally sentenced for political offenses. Detention for a few weeks or months followed by a warning and release has reportedly been

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used to intimidate the few Saudis who have publicly criticized the regime.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Among the most fundamental of Islamic precepts are the sanctity of family life and the inviolability of the home. The police generally must demonstrate reasonable cause and obtain permission from the provincial governor before searching a private home, but warrants are not required. The Mutawwi'in assert the right to enter homes to search for evidence of un-Islamic behavior when they have "grounds for suspicion," but instances of this appear to be exceedingly rare. Wiretapping and mail surveillance can be carried out on the authority of officials of the Interior Ministry or the Directorate of Intelligence. A wide network of informants is believed to be employed.

Some social norms and strictures affecting personal life are matters of law and are enforced by the Government. Saudi women may not marry non-Saudis without government permission. Saudi men must seek approval to marry women from countries other than the six members of the Gulf Cooperation Council. During Ramadan, the prohibition against public eating, drinking, or smoking during daylight hours is enforced on Muslims and non-Muslims alike. Prohibitions against alcohol and pornography are strictly enforced. Members of the officially supported Committee for the Propagation of Virtue and the Suppression of Vice patrol the streets and markets to assure Islamic decorum in dress and demeanor and the closing of shops during the daily prayer periods.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Criticism of Islam and the ruling family is not allowed. The potential presence of informers renders open criticism of the regime rare except among trusted friends. Saudis are, however, able to voice complaints and to seek redress of grievances through the open-door audiences which are held regularly by even the highest officials.

The press is privately owned. It is effectively controlled by both the 1982 media policy statement and the firm understanding that nothing embarrassing to the Government, ruling family, or religious leadership may be published. The media policy statement enjoins the press to uphold Islam, oppose atheism, promote Arab interests, preserve the cultural heritage of Saudi Arabia, and combat human rights violations. Guidelines issued by the Information Ministry instruct the press on the position to take on controversial political issues. Editors are appointed with the approval of the Information Minister, and he may have them removed.

Saudi television and radio are state-owned and operated. Besides entertainment, their basic aim is to project and gain public support for official policies and views, with the corollary that conflicting viewpoints are not presented. Increasingly, foreign news is presented objectively, as for example in television coverage of the Israeli elections. Foreign publications circulate but are rigorously censored for materials deemed immoral or critical of Saudi policies and

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actions. These criteria are sometimes interpreted broadly or capriciously. Time magazine was temporarily banned because of an article it carried about a dispute among Turkish Muslims that was deemed insulting to Islam. A recent article on a Saudi-U.K. arms deal in the International Herald Tribune was censored, and a survey of Israel was excised from a recent edition of the Economist.

Academic freedom is constrained by similar guidelines; the study of Freud and Marx, for example, is taboo. Professors commonly believe that classroom comments which would be taken as antiregime will be reported to the authorities.

b. Freedom of Peaceful Assembly and Association

Assembly as a means of political expression or to present grievances is prohibited. Tribal, familial, and economic interest groups informally aggregate public opinion, which their leaders express to high officials. Nonpolitical clubs and professional groups may be organized with the permission of the authorities. The few existing professional bodies are permitted but not encouraged to maintain contacts with their recognized international counterparts. Labor unions are prohibited, and strikes are forbidden. Collective bargaining is unknown.

c. Freedom of Religion

Islam is the official religion. All Saudis must be Muslim. Apostasy is a crime, and proselytizing by non-Muslims is prohibited. The Saudis scrupulously uphold the Islamic injunction that all Muslims have a responsibility to make a pilgrimage, or Hajj, to Mecca, and all Muslims are welcome to visit the holy places. Travel to these places by non-Muslims is prohibited. Political activities by pilgrims are banned.

The Shi'ite Muslims of the Eastern Province, usually estimated at 500,000 persons, constitute a religious minority subject to social and economic discrimination. In the wake of the Iranian revolution, they have been periodically subjected to surveillance and limitations on travel abroad. Certain of their members have been arrested without charge and detained, sometimes for many months. For security reasons, the Government does not permit Shi'a public processions to mark Ashura, the holiest of the exclusively Shi'a holidays. The Shi'a are free to adjudicate exclusively intra-Shi'ite disputes within their own legal tradition, but Shi'ite judges receive no stipend or salary from the Government. Likewise, the Government provides no financial support for the Shi'ite religious establishment and does not permit the construction of Shi'ite mosques. In recent years the authorities have made efforts to redress the Shi'a's complaints about the economic underdevelopment of their areas. Nevertheless, most Shi'a continue to live under conditions notably poorer than those of their Sunni compatriots.

Non-Muslim religious services are not permitted. Saudi customs officials prevent the importation of non-Islamic religious materials. Foreign nationals practice their religions only in discreet, private gatherings. Large gatherings or elaborate organizational structures are likely to attract official attention and may lead to the deportation of leaders. There have been instances in which small private services, discovered and brought to the attention of the

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authorities, have been broken up and those conducting them arrested, interrogated, and deported.

d. Freedom of Movement Within the Country, Foreign Travel, Immigration, and Repatriation

Saudis may travel freely anywhere within the country. Passports are issued by the Interior Ministry. Male Saudis may travel abroad freely. In the case of government officials, the permission of the Royal Diwan is required but apparently is normally perfunctory. Women must obtain prior permission from their closest male relative before being allowed to leave the country. The passports of suspected subversives have occasionally been seized. Shi'a are generally prohibited from traveling to Iran. Detection of such travel by Saudi authorities is followed by interrogation. Shi'a known to have pro-Khomeini sympathies may not be allowed to travel abroad. Saudis are permitted to emigrate and assume foreign nationality. This results in the loss of Saudi nationality. Citizenship is not revoked for political reasons.

There is no formal policy regarding refugees or granting asylum. Refugees and displaced persons are in most cases dealt with like all other foreign workers. Anyone seeking residence in the Kingdom, except Yemenis, must meet strictly enforced requirements of sponsorship and employment. There are over 250,000 foreigners who fled their native countries, primarily Palestinians, Lebanese, Eritreans, Afghans, and South Yemenis. For the most part, these individuals receive no special treatment, privileges, or services. Reportedly, individual Saudis (frequently members of the ruling family) permanently sponsor such individuals to enable them to remain in Saudi Arabia, permitting them to find work where they may. In a small number of cases, sponsors reportedly have charged fees to such persons for providing documentation required by the Government. There have been no reports of forced repatriation of persons fleeing persecutions. There are hardly any Saudi refugees outside of the country. A few Shi'a are thought to have fled the country to avoid arrest.

Foreigners living in Saudi Arabia, except for Yemenis, are required to carry identification cards. They are not permitted to travel outside the city of their employment or to change their workplace without their sponsor's permission, nor are they permitted to travel abroad without their sponsor's permission since sponsors hold foreign national employees' passports and are responsible for obtaining exit visas for them. Foreigners involved in or often merely incidental to commercial disputes or criminal investigations are usually not allowed to leave the country until the problem has been resolved. Sponsors have taken advantage of this arrangement at times to exert unfair pressure to resolve commercial disputes in their favor and occasionally have been able to prevent foreign nationals from departing Saudi Arabia for long periods. The official Saudi practice of seizing passports of all potential suspects and witnesses in criminal cases has sometimes forced foreign nationals to remain in Saudi Arabia for lengthy periods.

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

The King rules the country in matters secular and religious, within limits established by religious law, tradition, and the need to maintain consensus among the ruling family and religious leaders. The King's legitimacy is based upon his descent, his selection by consensus, his adherence to the tenets of Islam, and his perceived concern for the welfare of the nation. With the consent of other senior princes, the King, who is also the Prime Minister, appoints the Crown Prince, who is the First Deputy Prime Minister. All other ministers are appointed by the King. They, in turn, appoint subordinate officials with cabinet concurrence. There are no elected officials in Saudi Arabia. (The only elections in Saudi Arabia appear to be businessmen's elections of two-thirds or more of the board members of the quasi-official Saudi Chambers of Commerce and Industry.) Likewise, political parties are not permitted, and there are no known organized opposition groups.

Traditionally, public opinion has been expressed through client-patron relationships and interest groups such as tribes, families, and professional hierarchies. The open-door audience (majlis) remains the primary forum for expression of opinion or grievance. Subjects typically raised at a majlis are complaints about bureaucratic dilatoriness or insensitivity, requests for redress or assistance, or criticism of particular acts of government affecting personal or family welfare. Broader "political" concerns--Saudi social, security, economic, or foreign policy--are not considered appropriate and are seldom raised. The King meets on a weekly basis with religious leaders.

This informal consultative means of ascertaining public opinion has limitations. Participation by women in the process is severely restricted. Rural-urban migration has weakened tribal and familial links. Citizens are not directly able to change policies or officials through the majlis system, which is largely a forum in which grievances are aired and favors sought. As governmental functions have become increasingly complex, time-consuming, and centralized in Riyadh, direct access to senior officials has decreased. The creation of a system of national consultation between rulers and ruled has been under consideration for many years. No steps toward its implementation were taken in 1985.

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

There have been no reports that international or nongovernmental organizations have sought to investigate alleged violations of human rights during 1985. There are no human rights groups in Saudi Arabia. In international forums, Saudi representatives regularly protest violations of human rights of Palestinians, Afghans, Eritreans, and Muslim minorities in several countries.

In its 1985 report, Amnesty International expressed concern about the reported detention of possible prisoners of conscience, inadequate detention and trial procedures in political cases, allegations of torture and ill-treatment of

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detainees, and the use of amputations, flogging, and the death penalty. Freedom House rates Saudi Arabia as "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION:

Petroleum revenues have permitted the Government to improve the living standards of most Saudis, whose annual per capita gross domestic product was \$13,000 in 1984. Its population of 11,152,000, including approximately 3.4 million foreign nationals, is growing at a rate of 3.2 percent annually.

The Government has promoted public welfare through massive development projects, consumer subsidies, interest-free housing loans, and concessions to entrepreneurs. The economy is still adjusting to the fall in national income caused by declining oil prices and production in the past 3 years. The Government has used its huge foreign reserves to complete major infrastructure projects while promoting private agricultural and industrial development and maintaining consumer purchasing power through subsidized loans and welfare payments.

According to the World Bank, 91 percent of the Saudi population had access to safe water in 1980, and in 1977, calorie intake was 91.2 percent of the total requirements. Life expectancy is 56.9 years. Health care and education through the university level are available to all Saudis without cost. The development of a modern education system is a major government objective. Appropriations made for education in the current budget amounted to 11 percent of the total. Over the past year 880 schools and colleges were opened, raising the total to approximately 10,000. During the same period the number of students enrolled at all levels rose by 7.6 percent, and the number of teachers increased by 9.5 percent. In recent years primary schools have been constructed in even the most remote villages and a massive expansion of the university system was begun in the late 1970's with the objective of accommodating all undergraduate applicants within the country. Literacy among adult Saudis has risen rapidly; Saudi Government statistics suggest an adult literacy rate of about 33 percent (45 percent of men and 20 percent of women). Approximately 65 percent of Saudi children (77 percent of boys and 53 percent of girls) are enrolled in primary schools.

Despite these efforts, poverty has not been eliminated. Some of the remaining Bedouin prefer a traditional lifestyle and only selectively take advantage of available opportunities to improve their standard of living. Other Saudis have only limited opportunities to improve their economic position due to lack of education or ignorance of government assistance programs. In the cities, poor Saudis are likely to have recently migrated from rural areas. In the rural areas, the poor are mostly small farmers in provinces where government resources have not yet been so generously applied to infrastructure development as in cities. The Bedouin, who comprise perhaps 5 to 7 percent of the population, cling to a nomadic way of life which frequently precludes the accumulation of substantial wealth.

The large expatriate work force does not, for the most part, receive the same economic and social benefits available to native Saudis and must abide by considerable restrictions on its lifestyle. The poorest of these foreign nationals, almost 3,000,000 Yemenis, Africans, and Asians, live under conditions significantly worse than those of the Saudi urban classes.

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The 1969 Saudi Labor and Workmen Law requires the employer to take necessary precautions for the protection of workmen from hazards and diseases resulting from the work and the machinery used, and for the protection and safety of the work. Labor Ministry inspectors and the labor courts seek with some success to enforce the labor code, but foreign nationals report frequent failures to enforce health and safety standards. Saudi authorities have reportedly enjoyed greater success in enforcing contract terms and working hours. There have been press reports that some foreign workers are living and working under poor conditions, and there are indications that the authorities may take corrective measures. Saudi labor law establishes maximum hours at regular pay at 48 per week and allows employers to require up to 12 additional hours of overtime at time-and-a-half. Employees may volunteer for additional overtime. There is no legal minimum wage. The labor law provides, however, that minimum wages may be set by the Council of Ministers on the recommendation of the Minister of Labor. The market minimum is in effect the amount required to induce foreign laborers to work in Saudi Arabia.

There is no minimum age for those employed in agriculture, family enterprises, private homes, or repair of agricultural machinery. Adolescents (ages 15-18), juveniles (under 15), and women may not be employed in hazardous or harmful industries, such as mines or industries employing power-operated machinery. In other cases the labor law provides for a minimum age of 13, which may be waived by the Ministry of Labor in certain areas and with the consent of the juvenile's guardian. Child labor does not appear to be a significant problem in Saudi Arabia.

Saudi Arabia has a generous social security program for which most foreign workers are eligible on the same basis as Saudis. Some foreign workers, particularly those in unskilled positions such as lower-level construction workers and housemaids, are exploited due to their ignorance of the labor code, inability to understand Arabic, lack of written contracts, or need for income. The labor courts have the reputation of being reasonably fast and fair.

Due to orthodox religious beliefs and traditional social practices, women do not enjoy equality with men. By Koranic precept, a daughter's share of an inheritance is less than that of a male offspring. Women are obliged to demonstrate legally specified grounds for divorce, whereas men may divorce without such grounds. In Shari'a court the testimony of one man equates to that of two women. Women may not drive motor vehicles, and there are restrictions on their use of public facilities when men are present. They do not by custom travel alone. They are restricted to reserved women's sections on urban buses. Women may travel abroad only with the written permission of their nearest male relative. Employment opportunities for Saudi women either in the civil service or with public corporations are extremely limited. In practice their employment is largely restricted to the teaching and health care professions. In public, women are required to dress with extreme modesty. Free but segregated education through the university level is now available to Saudi women locally. The number of civil service jobs available to women (in segregated offices) has increased somewhat. Polygamy is becoming less common, particularly among younger Saudis. This may be due in part to economic factors.

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Sri Lanka is a multiparty democracy. Its Constitution, adopted in 1978, provides for a strong executive president who is independent of the unicameral parliament. Both are elected by universal adult suffrage, with members of parliament to be selected in future general elections on the basis of a system of proportional representation. The Constitution also provides for an independent judiciary and the rule of law. When the 1978 Constitution came into effect, the then Prime Minister and leader of the United National Party (UNP), J. R. Jayewardene, became President.

A developing country, Sri Lanka has achieved a high quality of life despite low per capita income which in 1984 still stood at only \$340. Tea exports are Sri Lanka's largest source of foreign exchange earnings. Other agricultural products and textiles are also major exports. Approximately 60 percent of Sri Lanka's productive capacity is state-owned or controlled, the result of large-scale nationalization in the early 1970's.

Sri Lankans are ethnically and religiously diverse: 74 percent are Sinhalese, mostly Buddhists; 18 percent are Tamils, predominantly Hindus; 7 percent are Muslims of varying ethnic origins; the remainder consist of Malays, some descendants of European colonists, and a small number of aboriginals, the Veddahs. Of the Tamil population, two-thirds are so-called "Ceylon Tamils" whose presence on the island dates back many centuries. The rest are "Indian Tamils," who were recruited in India during the last century to work on the tea plantations. Under the British colonial administration prior to 1948, Ceylon Tamils held a disproportionate share of influential positions in government service, the police, the professions, and commerce. With independence, Sinhalese political leaders sought to redress what their community regarded as an imbalance in favor of Ceylon Tamils; typical of their efforts was the so-called "Sinhala-Only" Act of 1956 which made Sinhalese the sole official language of the country. For Tamils, the Act stood for government-sanctioned discrimination against them. However, Tamil was designated a "national" language by the 1978 Constitution and its use in government, education, and the courts is specifically protected in the Constitution.

A growing Tamil conviction that they do not enjoy political rights equal to those of the Sinhalese majority led some moderate political leaders and frustrated Tamil youths to conclude, by the mid-1970's, that separation of the Tamil-majority areas of the island into an independent Tamil state or "Eelam" was the only solution. The political leaders renamed their party the Tamil United Liberation Front (TULF) and contested the 1977 elections on a platform of independence, winning all 14 seats in the heavily Tamil Northern Province and two seats in the Eastern Province, which has a sizable Tamil minority. Many militant Tamil youths turned to armed struggle and to terrorism as their way of attaining Eelam. Their targets have been government security forces, officials, Sinhalese civilians and Tamils who do not support their cause. Government security forces have not succeeded in their efforts to end separatist violence. Poorly prepared for the task, they have sometimes retaliated against innocent Tamil civilians.

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Despite the TULF's advocacy of separatism, from 1977 onwards it sought to negotiate with the Government a political resolution of Tamil grievances. TULF members lost their seats in Parliament in 1983 after they refused to swear allegiance to the Sri Lankan unitary state, as required by a constitutional amendment enacted that year. By-elections to fill these seats have been postponed because of the unsettled security situation in the North and East, and as a result Tamils living in those constituencies are currently without representatives in Parliament. There are currently three Tamil United National Party members of Parliament and three Tamils in the cabinet, including the leader of the Ceylon Workers Congress (CWC), a labor union-cum-political party which represents the interests of Sri Lanka's Indian Tamil community.

Throughout 1984 an All-Party Conference sought to develop a political compromise based on the devolution of certain powers to local government bodies. The process ended in stalemate in December 1984 when the TULF rejected the Government's proposals for devolution, and the Government subsequently withdrew them. During early 1985, both sides stepped up their attacks, with the Government mounting a series of military operations in the north and east in an effort to locate the Tamil separatists and their facilities and to eliminate them.

The murder by Tamil militants of 146 mostly Sinhalese civilians in an attack on the Buddhist sacred city of Anuradhapura in May shocked the nation and led to renewed efforts to find a negotiated settlement to the communal problem. With India's help, a "cessation of hostilities" between the major militant groups and the Government was arranged, and face-to-face talks were begun in Bhutan; these broke down in August in the face of mounting ceasefire violations by both sides. The talks revealed a wide gap between Tamil demands and the concessions that the Government was prepared to make. Indirect exchanges between the Government and representatives of the Tamil separatists continued sporadically through the end of the year, but violence resumed at previous levels as intercommunal fighting spread to the multiethnic Eastern Province. The "cessation of hostilities" remained in effect only nominally, while a multiethnic ceasefire monitoring committee endeavored to investigate reports of violations by both sides. Its reports at the end of the year concluded that both sides had been guilty of violations.

As in previous years, controversy over the actions of the security forces has been a major source of tension. Their numbers are relatively small: 18,000 in the police and 21,000 in the armed services. They once had a considerable number of Tamils among their ranks, and as recently as 1984 the senior police officer was a Tamil. But by 1985 no more than 5 percent of police personnel were Tamils; in the armed services virtually 100 percent of enlisted ranks are now Sinhalese. The Government has admitted that breaches of discipline among the security forces have occurred and some measures have been taken to punish wrongdoers. A major problem has been the tendency of the security forces, when attacked, often by land mines planted by the separatists, to strike out indiscriminately at the civilian population. There are indications that the landmines are deliberately placed in civilian areas so as to provoke these retaliatory attacks by

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the security forces. Civilians in disputed areas often fear both the security forces and the militant separatists.

Some traditional rights remained restricted in 1985 because of the continuing insurgency. The Prevention of Terrorism Act (PTA), instituted as a temporary measure in 1979 and made permanent in 1982, gave the Government special powers to arrest without warrants and to detain for long periods without bail or charges those suspected of acting against the State. Emergency regulations, promulgated under the state of emergency which has been in effect since May 1983, have given the police broad powers, including the power of preventive detention. At midyear, however, the Government relaxed some restrictions adversely affecting residents of the north and east by lifting curfews and easing enforcement of security zones. Some detainees held under the PTA were released, while others were formally charged. In addition, formal press censorship was lifted in July.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

The death toll, mostly in the north and east, from politically motivated violence arising from the communal conflict rose again in 1985. The Government estimated that 1,078 persons were killed due to ethnic violence. Of these, 885 were civilians, 75 police, and 118 members of the armed forces.

Continuing violence throughout the year was punctuated by a number of particularly serious incidents of violence by both sides. While conclusive evidence is often lacking, the following are instances in which security forces allegedly attacked innocent civilians. On May 9, after a landmine explosion the previous day in which an army major was killed, members of an army patrol allegedly killed 43 young Tamil males in Velvetitturai on the Jaffna Peninsula. On May 15, a ferry enroute to the Jaffna Peninsula was stopped and 26 Tamils were killed by a group of men armed with knives and blunt instruments; survivors of the attack claim to have recognized several of their attackers as members of a nearby Sri Lankan naval detachment; on the basis of a high-level naval inquiry, the Government has reported that there was no evidence that naval personnel had been involved. Members of the local home guards were identified by survivors as the perpetrators of an incident June 3 outside of Trincomalee on the east coast in which a bus was stopped and 13 Tamil passengers shot dead. On August 16, near Vavuniya in the north-central part of the country, members of an army patrol who had escaped injury from a landmine explosion moments earlier allegedly undertook reprisals against nearby Tamil civilians, reportedly killing as many as 100 people. The Government initiated an inquiry and reported that 22 were killed when army reinforcements arriving on the scene "acted without restraint," and that it was taking disciplinary action against the officer in charge of the reinforcements. On November 16 four policemen were killed in the east coast town of Batticaloa when a landmine detonated under their jeep. According to witnesses, police subsequently shot and killed nine local civilians.

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In the few cases in which investigations have revealed that the security forces have acted improperly, the Government has maintained that it was unable to obtain adequate evidence to prosecute. It has instead dealt with misbehavior administratively. In 1985, four servicemen were "discharged with ignominy," and inquiries or disciplinary proceedings were being conducted against other members of the security forces allegedly implicated in such incidents as the deaths of Tamil civilians in Velvettiturai in May and in Vavuniya in August.

In 1985, more than in previous years, Tamil militants targeted civilians in addition to the security forces. Typically Tamils accused of collaborating with the Government were tied to a lamp post or telephone pole with a sign noting their alleged crime, and then shot. According to Government figures, 61 Tamils were killed in this manner. The militants also assassinated several prominent members of Jaffna's Tamil community, including a school principal and two former members of parliament, for allegedly being traitors to the cause of Tamil Eelam. Militants were also responsible for setting the explosives which on January 19 destroyed most of the Yal Devi express train from Jaffna to Colombo, killing 29 soldiers and 11 civilians. Tamils attacked police stations in Jaffna and Mannar in April and May respectively, killing close to 50 police. On May 3 guerrillas attacked a naval base, an army camp, and a police station on the Jaffna Peninsula.

Whereas most previous attacks against civilians had been directed against members of their own ethnic community, Tamil militants on May 14 attacked Sinhalese civilians in and near the ancient Sinhalese capital of Anuradhapura, killing 146 persons, including 21 women and 14 children. It is widely believed that this incident of terrorism was in retaliation for the alleged killing of 43 young Tamil males in Velvettiturai by army personnel 5 days earlier. Tamil militants are also credited with attacks on the Eastern Province village of Namalwatte on November 7 in which 10 Sinhalese civilians were killed and an attack September 16 on the Buddhist temple in Thirukunamadu, also in the Eastern Province, in which 2 Buddhist priests and 3 pilgrims were shot dead.

b. Disappearance

Although no accurate statistics are available, reported disappearances rose during 1985. There were a number of reports of the disappearance of young Tamil males who had been arrested and taken in for questioning by the security forces. In practice once limited mostly to the Jaffna Peninsula, police and military patrols operating in the north-central and eastern-coastal parts of the country also began making large-scale arrests and detentions of young Tamil males as the insurgency spread to those areas. Amnesty International estimated in October that 180 such detainees had "disappeared" in "recent months." Some of those detained were later discovered by their families to be in detention at police stations or in army detention camps. Others have not been found. In several instances, relatives or organizations seeking information about the missing say they were told the individual had never been arrested, or had been released and departed for terrorist training outside the country, or had been shot while trying to escape. The Government estimated that 60 civilians and members of the security forces were abducted by Tamil militants and are presumed to have been

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killed. The most prominent case of disappearance in 1985 involved Father Mary Bastian, a Tamil Catholic priest in the western-coastal Mannar area. On January 5-6, an army patrol searching for guerrillas opened fire in the vicinity of his church, reportedly killing eight persons. According to some eyewitnesses, among those killed was Fr. Bastian. His body was never found and a government investigation reportedly failed to find evidence that security forces had killed him. At year's end, seven Sinhalese pilgrims travelling to a Catholic shrine in northwestern Sri Lanka were reportedly abducted by militants; their whereabouts remain unknown.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution guarantees that "no person shall be subjected to torture or cruel, inhuman or degrading treatment or punishment," and in 1982 the Government submitted to the U.N. a unilateral declaration opposing the use of torture.

There have been persistent reports of torture or ill-treatment by military and police of persons detained under the Prevention of Terrorism Act. Amnesty International published a special report in October on torture in Sri Lanka. The report cites affidavits submitted by alleged victims, as well as statements by doctors who claim to have treated the victims and said that they were able to corroborate their allegations of ill-treatment. The Amnesty International report noted that torture victims are most often those detained for political offenses, either radical leftist Sinhalese or Tamils accused of collaborating with the separatists. The Government states that, because the alleged victims are not identified in the report, it is unable to respond to specific allegations of torture or to pursue inquiries into individual cases.

Amnesty International also alleged that ill-treatment of detainees usually occurs in military camps or police stations, but is rarely reported in prisons, where regular criminals are held. The Government has stated that no police officers have been convicted of causing physical harm to persons in police custody.

Prison conditions in Sri Lanka are not good, particularly in pretrial detention centers, many of which are old and overcrowded. In prisons for convicted prisoners, however, there is less overcrowding. The Government has begun construction of a new prison which is scheduled for completion in several years.

d. Arbitrary Arrest, Detention, or Exile

The Constitution stipulates that no person "shall be arrested except according to procedure established by law" and that an arrested person must be informed of the reason for his arrest. Within 24 hours, an arrested person must be brought before a magistrate who may authorize bail or, for serious crimes, continued detention. A suspect may be detained up to three months without bail, or longer if a court so rules. Persons convicted of criminal offenses may be sentenced to "rigorous imprisonment," (hard labor) under which they are compelled to work.

There are exceptions to the normal rules for a person detained under the emergency regulations or under the Prevention of

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Terrorism Act. Under the state of emergency, first declared in May 1983 and renewed monthly by Parliament since then, the President reissues each month the emergency regulations by gazette notification. The regulations give extraordinary powers to the police to use preventive detention on persons suspected of planning to commit offenses or to arrest individuals suspected of having committed a wide variety of crimes. Detainees under these emergency regulations can be held for up to 90 days on orders of the Attorney General, after which time the suspect must be produced before a magistrate. The magistrate is not empowered to investigate the case, but under the regulations he "shall" remand the detainee to a prison, where he can be held indefinitely. Bail may be granted at the discretion of the Government.

The Prevention of Terrorism Act (PTA) provides that any person arrested under this law must be produced before a magistrate within three days unless the Minister of National Security orders the suspect to be detained for a period of three months. Such an order may be renewed for a period of up to 18 months. The terms of detention are set out in this order; detainees do not have the same rights as other prisoners regarding visits by family, access to lawyers, food, and other conditions of incarceration.

The PTA and emergency regulations were used extensively in 1985 to detain large numbers of persons, mostly Tamil youths, especially in the north and east. The Government has reported it arrested 1,878 persons under the PTA. Of those, 880 had been released at year's end. According to local human rights activists, there were 55 detainees, as of November, who had been held without charges under the PTA for more than the legally permissible 18 months. In five cases, the Government chose to redetain them under the emergency regulations. The others were to be released, but at year's end only 8 of the 50 had been released and 1 charged under the PTA; the other 41 remained in custody.

Several observers reported that a common practice of the security forces is to round up all young men between the ages of 16 and 35 within about a square mile radius of the site of a terrorist incident. Those detained under the PTA are questioned and some are released, while others are taken to detention facilities. Relatives may write to the Defense Ministry and ask that the case of their family member be reviewed. The review is conducted by a three-man advisory board which considers the evidence, interviews the police and the detainee, and makes a recommendation. Many of the cases reviewed have led to a recommendation for immediate release, but it frequently takes several months for the process of review and release to be completed.

The Constitution empowers the courts of appeal to issue writs of habeas corpus, and relatives of persons arrested under the PTA or the emergency regulations have brought several habeas corpus suits over the past few years. In no instance where the court inquired into the detention and disappearance while in police custody of a suspect detained under these measures have the results been publicly released.

There is no forced labor in Sri Lanka, other than for criminals sentenced to rigorous imprisonment.

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e. Denial of Fair Public Trial

Generally speaking, an accused person is entitled to a fair trial in open court, is represented by counsel of his choice, and is apprised of the charges and evidence against him. Accused persons tried in the high court are provided an attorney if they need one, but no attorney is provided by the Government for defendants tried in other courts.

Although trial by jury is the custom, juries are not provided in trials under the Prevention of Terrorism Act on the grounds that jury members could be intimidated. Although the PTA has been in effect since 1979, and hundreds of people arrested under its terms, there had been only three trials under the act by mid-1985. Of those detained under the PTA who have been released, the large majority were held for a period of months and then set free without charges ever having been brought. The most publicized case of the trial of a PTA detainee, which began in November 1984, involved Father Aparnam Singarayar, who was arrested in November 1982 and charged with two offenses in February 1983. His trial on the first charge, that of withholding information from the police in a bank robbery case, was still under way at the end of 1985.

The independence of the judiciary is constitutionally guaranteed. The Chief Justice and all judges of the Supreme Court, courts of appeal, and high courts are appointed by the President. The Chief Justice and two Supreme Court judges comprise a Judicial Service Commission which appoints, transfers, and dismisses all lower court judges.

The judicial system in the northern Jaffna Peninsula has virtually ceased functioning due to intimidation by the Tamil militants. For most of 1985, police in the area have not performed their normal law enforcement activities and judges have tried only a few cases.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

The Government respects individual privacy and the sanctity of the family and the home, and the judiciary has a good record of upholding rights to privacy in those cases which reach a high court. Ordinarily, search and arrest warrants are required in order to enter private premises. Under the Prevention of Terrorism Act, however, police officers above a certain rank and less senior officers authorized by them in writing may, without a warrant, enter and search any premises and seize "any document or thing" when there is a presumption or evidence of support for, or involvement with, unlawful activity. Critics claim that police and military personnel often enter the homes of Tamils without cause.

Monitoring of telephones is not known to be a common practice, despite allegations by some critics of the Government that it taps their telephone lines.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

The Constitution guarantees "freedom of speech and expression including publication," but it also permits these guarantees to be restricted "as may be prescribed by law in the interests

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of national security." Sri Lankans are generally free to express their views in private but may be prosecuted under the emergency regulations for making certain kinds of remarks in public. Press censorship was in effect for five months in 1985 on articles relating to terrorist activities, security operations, and communal matters. After formal censorship was ended on July 18, the Government asked the media to exercise restraint in publishing information on security-related subjects, and a measure of self-censorship was apparently practiced. In November, restrictions were placed on the publication of press reports on the activities of the Ceasefire Monitoring Committee.

The Government adopted on March 31 a more restrictive policy regarding issuance of press credentials to foreign correspondents. Sri Lankan diplomatic missions were authorized to review a correspondent's past reporting or that of his journal for fairness and accuracy before a visa and press credentials were issued. In practice, however, many foreign journalists entered the country in 1985 on tourist visas.

There also were some instances in 1985 in which individuals were prosecuted for their statements. A Canadian citizen of Sri Lankan descent, who was chairman of the citizens committee of the east coast town of Kalmunai, was charged in May with sedition for making certain statements, principally repeating to a foreign journalist a report he had given to the police about an alleged atrocity by the security forces. The Government accused him of relaying rumors and argued that it was irrelevant whether the rumors were true. One person, arrested after distributing leaflets at a demonstration by university students, was held for several days, then released.

Although the Government controls the country's largest newspaper chain and owns the radio and television services, a variety of independent newspapers and journals provide a full range of viewpoints on foreign policy and most domestic matters. Many small circulation periodicals published by opposition political parties operate in an unrestricted manner.

Academic freedom is generally respected. In January 1985, the Parliament passed a bill amending the Universities Act of 1978. The amendments, among other things, provided for more government control over the selection of the senior university administrators, the vice chancellors. Critics charged that the amendments undermined the country's system of free higher education and restricted academic freedom by unduly increasing government influence. There were several demonstrations, sometimes violent, against the amendments in February and March. The Government responded by closing several universities temporarily and arresting or forcibly dispersing protestors in some instances. The Government also temporarily extended press censorship to matters pertaining to postsecondary education.

b. Freedom of Peaceful Assembly and Association

The Constitution guarantees freedom of assembly and association and the right to form and join trade unions. Sri Lanka has an abundance of private associations, devoted to the promotion of business, professional, educational, religious, charitable, and humanitarian causes, which are free to maintain ties with international bodies. However, there are a

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few restrictions on free assembly and association. One leftist political party, the Janatha Vimukti Peramuna (JVP), has been proscribed since 1983. Under the emergency regulations, the President (or his designee) is empowered to prohibit public meetings which would be "likely to cause a disturbance to public order or promote disaffection."

In practice, the police issue permits for outdoor, public meetings or processions and special permission is required for use of a loudspeaker. The question of whether to issue a permit is left to the discretion of the superintendent or assistant superintendent of an area, who may refuse a permit if he anticipates a breach of peace; in 1985 the practice of issuing permits sometimes appeared inconsistent. For example, one group advocating a peaceful settlement to Sri Lanka's communal conflict had several requests for demonstration permits denied. In contrast, a group of political and religious leaders opposed to continuation of the peace talks with Tamils received a permit for a public meeting.

Worker rights are recognized and protected by law. Any seven workers may form a union, draw up their own procedures, elect their own representatives, and formulate programs. Workers are expressly granted the right to bargain collectively. When workers and employers are not able to resolve a dispute, there is an arbitration system which involves Labor Department officers. These officers are stationed throughout the country to assure that employers fulfill their legal and contractual obligations to workers and to be available for arbitration in minor local disputes.

Excepting public service employees, workers are free to strike in Sri Lanka and have done so frequently. Under the emergency regulations, the President may declare any business to be an essential service, making a strike illegal. During 1985, the Government used this power to terminate strikes or other job actions several times. In the case of public service employees as well as workers in "essential services," the Government generally agreed to discuss grievances with a labor representative. A group of the 8,000 workers who were fired during a strike in 1980 brought a complaint against the Government in 1983 before the International Labor Organization Committee on Freedom of Association. In its session of May-June 1985, the Committee urged the Sri Lankan Government to do its utmost to reinstate those workers who had been without employment since 1980 and to conclude as rapidly as possible the trials of five trade union leaders who had been charged in connection with the 1980 strike.

Over 1,000 labor unions and federations together represent about one-third of the 6.9 million-strong labor force. Workers in the nonplantation agricultural sector and most of those employed in small businesses, as well as workers in the free trade zone, are not represented by unions. Employees in the zone participate in labor-management company associations. Although there are a few independent unions, most of the largest worker organizations are affiliated with political parties, frequently operate as arms of those parties, and play a significant role in the political process. Since worker organizations' party affiliations are fixed, their memberships fluctuate depending on which is the governing party. Despite constraints arising from their political affiliations, Sri Lankan unions have been effective

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in improving conditions for workers. Many unions maintain ties with international labor federations and trade secretariats.

c. Freedom of Religion

Although the Constitution establishes Buddhism as the official religion and requires the Government "to protect and foster" Buddhism, it also guarantees the right of all Hindus, Muslims, and Christians to practice their religions freely. Most members of the majority Sinhalese ethnic group are Buddhists, while most Tamils are Hindu. There are Christians from both groups. Religious differences generally are not a basis for discrimination. Sri Lankans of every faith are free to maintain links with coreligionists in other countries, as well as to undertake religious travel.

Two cabinet ministers are assigned the additional portfolios of Minister of Muslim Affairs and Minister of Hindu Affairs to deal with issues involving those minority religions.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution guarantees every citizen "freedom of movement and of choosing his residence within Sri Lanka" and "freedom to return to Sri Lanka." These guarantees are generally honored. The present Government removed exit visa requirements imposed by its predecessor and now permits virtually unimpeded emigration and foreign travel. Many Sri Lankans have taken advantage of this policy to seek jobs abroad. According to some estimates, there were 180,000 Sri Lankans working abroad in 1985.

Some Sri Lankans, predominantly young male Tamils, have sought refugee status or political asylum abroad on the grounds that they are members of a persecuted minority. Despite the freedom to return cited in the Constitution, in 1985 there were a few cases of returning Tamils being arrested on arrival and detained for a period of days. Those detained either had traveled on forged passports or were suspected of narcotics offenses. The Government has said it does not take legal action or discriminate against those returning to Sri Lanka when their applications for asylum have been refused.

Refugees or displaced persons from other countries are generally denied entry to Sri Lanka. The Government does not permit refugees to stay in the country even while they are seeking permanent residence elsewhere.

Due to concern that Tamil terrorists were frequently crossing from southern India to northern Sri Lanka via the Palk Straits, the Government adopted a series of measures beginning in April 1984 which progressively restricted freedom of movement in that area. Expanding on the maritime surveillance zone imposed in April 1984, in November of that year the Government announced a prohibited zone along some 200 miles of Sri Lanka's northern coastline. It also imposed a security zone in the entire Jaffna Peninsula. These measures restricted free movement in the area to a considerable extent and made it virtually impossible for the large number of fishermen resident in that area to earn their livelihood. These restrictions as well as nightly curfews in the north were gradually relaxed during the late spring of 1985. The

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curfew was terminated in July, but the restrictive zones remain technically in effect under the emergency regulations.

As a result of these various restrictions as well as the threat or fear of becoming involved in the spreading communal violence, large numbers of Sri Lankans were displaced from their homes in 1985. According to some estimates, during the period 1983-1985 more than 100,000 Sri Lankan Tamils sought refuge in the Indian state of Tamil Nadu. The Government estimates that as of year's end some 46,000 persons were housed in refugee camps in Sri Lanka with another 94,000 having sought refuge elsewhere in the country (with friends or relatives). Of the total estimated 140,000 displaced persons, 88,000 are Tamils, 49,000 are Sinhalese, and the remainder Muslim. The continued unsettled security situation has made it difficult for these people to return to their homes.

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

Sri Lanka is an open, working, multiparty democracy. Citizens enjoy universal adult suffrage, and voter turnout is generally over 80 percent. Traditionally, the UNP and the other major political party, the Sri Lanka Freedom Party (SLFP), both of which draw their following mainly from the Sinhalese majority community, have alternated in forming governments. The current UNP government came to power in the general elections of 1977, gaining 51 percent of the popular vote and 83 percent of the seats in Parliament. The UNP government formulated a new Constitution, adopted by Parliament in 1978, which established the office of a directly elected executive president and provided for a proportional representation system in future parliamentary general elections.

Jayewardene became the first President under the 1978 Constitution and was returned to office in the presidential election of October 1982, gaining 53 percent of the popular vote. General elections to Parliament due in 1983 were not held. Instead, citizens went to the polls in a referendum held in December 1982 to vote on a constitutional amendment to extend the term of the 1977 Parliament from 6 to 12 years. Restrictions were imposed on the activities of opposition parties during the referendum campaign, and some voting irregularities were reported. The amendment was approved with 54.5 percent of the votes and Parliament's term now runs until August 1989. UNP candidates have won most of the by-elections held since 1977, including the two held in 1985. President Jayewardene's United National Party now holds 140 out of 153 occupied seats in Sri Lanka's unicameral legislature.

Sri Lanka's political parties represent a variety of political views. Most opposition parties function freely, several operate their own newspapers, and the activities of their leaders are covered by the media. One party, however, the extreme leftist Janatha Vimukti Peramuna (JVP), has been proscribed since July 1983 for alleged involvement in communal riots during the last week of that month. In addition, the civic rights of the leader of the SLFP, Mrs. Sirimavo Bandaranaike, were suspended in 1980 for a period of seven years on the grounds that she exceeded her authority during her tenure as Prime Minister from 1970-77. Until her pardon on January 1, 1986, the suspension of her civic rights prevented her from serving in Parliament and campaigning on behalf of her party's candidates in elections.

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Tamils, who comprise approximately 18 percent of the country's population, are primarily represented by two parties. The Tamil United Liberation Front (TULF) claims to speak for the Ceylon Tamils resident in the north and east, and the Ceylon Workers Congress (CWC) represents the Indian Tamils. The President of the CWC serves as a minister in the present Government.

Indian Tamils, who make up about one-third of the country's Tamil population, are descended from Tamils brought from India in the 19th century to work on the plantations. They do not qualify for Indian citizenship under Indian law and were denied citizenship under Sri Lankan law at independence. Under a 1964 agreement between the governments of Sri Lanka and India to address the problem of 1 million "stateless" Indian Tamils, many were repatriated to India or granted Sri Lankan citizenship. When the agreement expired in 1981, there were an estimated 94,000 Indian Tamils, plus their offspring born since 1964, who remained "stateless." The Government estimates that the total number of stateless Indian Tamils is currently around 150,000 persons. The Sri Lankan Government has stated its intention to grant citizenship to those remaining stateless.

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

The Government is sensitive to adverse reports on its human rights situation but generally does not interfere with investigations. Senior government officials frequently make themselves available to visitors looking into human rights issues. There were several special reports on human rights in Sri Lanka in 1985.

A representative of the Human Rights Standing Committee of the Law Association for Asia and the Western Pacific (LAWASIA) visited Sri Lanka on a factfinding mission in February. The mission's report concluded that the situation had deteriorated since LAWASIA's last report in 1983 due to the escalating violence and the erosion of democracy and the rule of law. Also in February, two members of the British parliamentary human rights group visited Sri Lanka and concluded that "in the present situation human rights are being violated or infringed to a substantial extent."

The chairman of the Australian parliamentary amnesty group visited Sri Lanka in June and presented his findings, an update of his initial report of June 1984, to the Emergency Committee on Sri Lanka, an informal international group of human rights activists. He found the ethnic conflict to be "destroying the economy, violating human rights and undermining the progress of development programmes supported by many governments over many years." In October an Amnesty International newsletter included a special report on torture in Sri Lanka, based on affidavits and doctors' reports on the victims. The Government follows a practice of not responding to Amnesty International reports, which it says do not identify victims of alleged abuses and are based more on hearsay than hard information.

In its 1985 Report (covering the year 1984), Amnesty International expressed concern about reports of random

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killings of noncombatant Tamil civilians by members of the security forces; the detention of Tamils, members of left-wing opposition parties, and students under legislation permitting long-term detention without charge or trial; reports of widespread torture of detainees; and deaths in custody. Freedom House rated Sri Lanka "partly free."

The International Committee of the Red Cross has a branch in Colombo which has been active in rehabilitation projects. Several local nongovernmental organizations monitor human rights in Sri Lanka. They collect information from families of victims or members of citizens' committees near the site of alleged incidents. Their periodic reports and appeals for change, however, are generally not addressed by the Government. Some attorneys represent defendants pro bono in those human rights cases which reach the courts.

At the end of 1985, the Government was considering a proposal to establish a Civil/Human Rights Commission modeled on U.S. institutions which would be empowered to mediate grievances.

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Sri Lanka's population of 16,334,000 is growing at an annual rate of 1.8 percent. The high rates of growth (over 6 percent) in the gross national product (GNP) Sri Lanka enjoyed from 1978-81 have decelerated somewhat in recent years (5.2 percent in 1984). The balance of payments situation deteriorated in 1985 due to a fall in tourism, lower world prices for tea, and the economic and social disruptions caused by the island's continuing ethnic strife. Lower government revenues and greatly increased defense spending have produced a record budget deficit which is expected to fuel inflation and contribute to depreciation of the currency. Development expenditures may also be curtailed to reduce the deficit.

Under the current Government's market-oriented economic policies, the expansion of the private sector has been encouraged. Foreign investment has been welcomed but most has gone into the tourist and textile industries. Sri Lanka's rapidly growing textile exports now constitute its third leading earner of foreign exchange. Unemployment, chronically severe, was estimated at 11.7 percent in 1981, down from a postindependence high of 24 percent in the mid-1970's.

Agriculture, contributing nearly a quarter of GNP and employing almost half of all Sri Lankan workers, is the largest and most important of the country's economic sectors. Lowlands are farmed by smallholders raising rice, fruits, coconuts, and vegetables, while the central hill country produces tea, largely in government-owned estates, and rubber. In 1984 Sri Lanka was very nearly self-sufficient in rice and overall was a net agricultural exporter. However, lower tea prices and production difficulties in the government-owned estates hurt the agricultural sector in 1985.

The ambitious Mahaweli scheme, a series of modern dams and irrigation systems aimed at providing hydroelectric power and watering large tracts of underutilized arid land, has become a bone of contention in the current ethnic troubles. Some Tamils object to government settlement policies that are altering traditional local ethnic balances in newly irrigated areas. Militant Tamils have attacked Sinhalese settlers in some sections of the Mahaweli scheme.

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Citizens have the right to acquire, hold, and dispose of property, but each individual may own only 1 house and no more than 50 acres. The Government permits noncitizen residents, except "stateless" Indian Tamils, to own property.

Sri Lanka's quality of life is higher than that of countries of equal income. Life expectancy at birth is 69.9 years. The infant mortality rate is 28.4 per 1,000 live births. The calorie supply as a percentage of requirements is 98.4 percent (1977) and in 1980 one of three Sri Lankans had access to safe water (65 percent urban, 18 percent rural). Although a majority of Sri Lankans are poor by developed country standards, there is virtually none of the starvation-level poverty experienced in some other developing countries. Sri Lanka's free public health care system is generally good by Third World standards, though it is frequently plagued by shortages of medicines and modern medical equipment. In 1983 there were 280 hospital beds and 13 doctors per 100,000 population.

Sri Lanka provides free education from primary school through university level. The primary school enrollment ratio is 102 (male 104, female 99). The overall adult literacy rate is 87 percent and is constituted as follows: males 91 percent, females 81 percent, rural 84 percent. Nearly 18,000 students (44 percent female) are enrolled in Sri Lanka's 8 universities.

Under Sri Lankan labor laws, employment of children under age 12 is prohibited. Those between age 12 and 14 are called child workers and may not be employed in industry or dangerous occupations; employment of young persons between 15 and 18 is subject to certain restrictions. Employees under age 18 cannot be required to work outside of specified hours. In addition, employers are required to provide annual leave, rest periods, and meal breaks. In practice, however, there is a child work force, probably numbering at least several thousand, who work illegally in Sri Lanka, mostly at jobs in rice cultivation, as domestics, or as street peddlers. Efforts to address this problem have been hampered by the fact that, in some cases, child workers are a major source of family income.

There is no minimum wage, but wage boards for 34 different trades set minimum wages and working conditions. Actual wages and working conditions generally exceed these minimums. Most permanent, full-time workers are covered by laws which provide that they shall work no more than 45 hours per week, no more than 9 hours per day or more than 5 1/2 days per week, and that they will receive a 14-day paid holiday annually. Workers in the unorganized agricultural sector are not covered by these or any labor laws, although the Government may investigate individual complaints.

Women have equal rights under the law, including equal property and inheritance rights. The various ethnic and religious groups have their own strictures, however, which place some limitations on women. Some Tamil families believe their women members should not be seen working in public. Some Muslim women are discouraged by members of their community from seeking higher education or employment. Some women fill important posts in the civil service, the professions, and business, but the majority are found in manual and semiskilled jobs and in the home. Women vote in large numbers but otherwise play a more limited role than men

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in the political process. There are currently six women members of Parliament, including one woman minister of cabinet rank. Sri Lanka had the world's first woman Prime Minister.

The caste system is reportedly breaking down among Buddhists, but it remains important when marriages are arranged, and it continues to be widely observed among Hindu Tamils. Members of virtually all of Sri Lanka's ethnic minorities occupy prominent positions in all walks of public and private life, but since independence the Sinhalese majority has steadily strengthened its relative position of influence in most sectors of society. The miniscule Veddah population in 1985 became even more thoroughly assimilated into larger Sri Lankan society. A number of hunting and gathering Veddah communities were provided with land on which to begin settled agriculture, and a few former hunters were offered jobs in national parks and reserves.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: SRI LANKA	1983	1984	1985	
I.ECON. ASSIST.-TOTAL...	80.4	75.5	66.9	
LOANS.....	66.9	59.7	44.8	
GRANTS.....	13.5	15.8	22.1	
A.AID	50.7	44.7	35.2	
LOANS.....	45.5	34.7	18.8	
GRANTS.....	5.2	10.0	16.4	
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0	
B.FOOD FOR PEACE.....	29.7	30.4	31.7	
LOANS.....	21.4	25.0	26.0	
GRANTS.....	8.3	5.4	5.7	
TITLE I-TOTAL.....	21.4	25.0	26.0	
REPAY. IN \$-LOANS.....	21.4	25.0	26.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	8.3	5.4	5.7	
E.RELIEF.EC.DEV & WFP.	3.7	0.4	1.8	
VOL.RELIEF AGENCY.....	4.6	5.0	3.9	
C.OTHER ECON. ASSIST...	0.0	0.4	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.0	0.4	0.0	
PEACE CORPS.....	0.0	0.4	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II.MIL. ASSIST.-TOTAL...	0.1	0.1	0.1	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	0.1	0.1	0.1	
A.MAP GRANTS.....	0.0	0.0	0.0	
B.CREOIT FINANCING.....	0.0	0.0	0.0	
C.INTL MIL.EO.TRNG....	0.1	0.1	0.1	
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E.OTHER GRANTS.....	0.0	0.0	0.0	
III.TOTAL ECON. & MIL...	80.5	75.6	67.0	
LOANS.....	66.9	59.7	44.8	
GRANTS.....	13.6	15.9	22.2	
OTHER US LOANS.....	0.0	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	0.0	0.0	
ASSISTANCE FROM INTERNATIONAL AGENCIES	1983	1984	1985	1946-85
TOTAL.....	86.2	93.0	206.4	1524.3
IBRD	0.0	12.1	62.0	190.2
IFC	7.4	0.1	4.0	43.5
IDA	32.0	55.0	72.0	785.3
IOB	0.0	0.0	0.0	0.0
ADB	39.8	20.7	68.4	408.3
AFOB	0.0	0.0	0.0	0.0
UNDP	3.7	5.1	0.0	75.9
OTHER-UN	3.3	0.0	0.0	21.1
EEC	0.0	0.0	0.0	0.0

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According to its Constitution, the Syrian Arab Republic is a representative democracy. In fact, Hafiz al-Asad, as President, Commander-in-Chief of the Armed Forces, and Secretary General of the Syrian Ba'ath Party, wields virtually absolute power. During Asad's rule, the Ba'ath Party has functioned principally to legitimize his regime. The regime has not permitted other centers of governmental power, such as an independent legislature or judiciary, to develop. It has resorted to extreme brutality and forcible repression to ensure its survival, but it has also pursued a policy of providing for the basic economic and social needs of its people.

The Ba'ath Party, with its emphasis on socialism and secular Arabism, gained ascendancy in 1963 but has since that time been dominated by the military. Ba'athism has sought to overcome sectarian and class consciousness by building a sense of national rather than ethnic identity. Since Asad's accession to power in 1970, members of the minority Alawi Muslim sect, to which he belongs, have greatly improved their own economic well-being; historically, they were among Syria's poorest groups. At the same time, elements within the Sunni majority have suffered economically as the regime moved gradually to eliminate all major private industry.

Islamic fundamentalists in Syria oppose the secular emphasis of Ba'athism and Asad's Alawi background, and in 1979-1982 frequently resorted to terrorism. Violent resistance to the regime, however, largely came to a halt after the Government killed thousands in suppressing an insurrection by the Muslim Brotherhood, a banned, secret organization of Sunni Islamic fundamentalists, in Hama in 1982. The ferocity of that repression remains ever-present in the minds of the Syrian people and has apparently succeeded in discouraging antiregime activity. In January 1985, President Asad made a limited offer of amnesty to some Muslim Brotherhood exiles.

Syria officially has a Socialist economy. Although agricultural production and some small enterprises remain in private hands, an increasing proportion of agricultural processing and distribution and all large-scale industry have been placed in the hands of state enterprises.

During 1985, Syria continued to be ruled by a repressive dictatorship. There was popular participation in decisions concerning economic and social issues on a limited basis via the Ba'ath Party, unions, and other organizations controlled by the State or the party. However, while the more public forms of repression have diminished in the past 3 years, there have been no indications of a trend toward a more open political system or greater respect for the integrity of the person.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

Political executions in Syria are typically a reaction to direct and violent threats to the regime; when the threats subside, the executions subside. Following the army's bloody suppression of an Islamic fundamentalist uprising in Hama in

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1982, both antiregime terrorism and executions for political reasons have subsided. A few unconfirmed reports of political executions surfaced in the period 1983-85. Two bombs were set off in Damascus in July, and one in September 1985. A number of Palestinians were detained in the aftermath of these incidents, but it is not known if there have been any executions.

Syrian artillery devastated parts of the Lebanese city of Tripoli in September-October 1985. The attack was directed against an alliance of Islamic fundamentalists who fought to control the city with support from Palestinians opposed to Syria. This alliance may have included a number of Syrian Islamic fundamentalists who fled Hama in 1982.

Syria provides sanctuary and support to Arab terrorist groups such as Abu Nidal. Anti-Turkish Armenian terrorist groups are also thought to operate in Syria. Syria continues to permit Iran to support Lebanon-based terrorist groups in Syrian-controlled parts of Lebanon.

b. Disappearance

According to plausible reports, some Syrians arrested for security reasons are never heard from again; families are not notified, nor are detainees allowed to contact their next of kin. It is possible that many of these people are dead. Disappearances reached a high point in 1979-82 and dropped considerably in 1983-85.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

Although the penal code prohibits torture and establishes severe penalties for such practices, there have been numerous credible reports of torture, primarily during arrest and interrogation. There are no reports of punishment of security or police officials for acts of torture, however. According to Amnesty International's 1985 Report, use of torture by the Syrian security forces is routine.

Little detailed information is available about prison conditions. No international organizations, such as the International Committee of the Red Cross (ICRC), are allowed access to detention facilities. The ICRC has, however, visited such special category detainees as the U.S. airman captured in December 1983 and Israeli prisoners-of-war. Persons charged with or convicted of criminal offenses are held separately from those charged with political and security offenses. Health care, food, and access by family members for persons held in ordinary prisons are reported to be adequate. Conditions at prisons where political and security prisoners are held are reported to be more severe, and visits by family members are not allowed.

d. Arbitrary Arrest, Detention, or Exile

The civilian legal code, modeled after French law, provides for due process, although it permits indefinite pretrial detention during the investigative process. Under the state of emergency in force since 1963, these safeguards can be suspended, and an individual may be held indefinitely without charge or trial, especially in political and security cases.

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The number of people currently held without trial or charge is not known but is probably significant. Approximately 20 Ba'ath party and government officials of the previous regime have been under detention since 1970. According to unconfirmed press accounts, possibly as many as 150 military officers were arrested in January 1982 in connection with an alleged coup plot, and several dozen more in 1983 for questioning government policies. In 1984, however, a power struggle between the President's brother, Rif'at al-Asad, and several military and security force commanders did not lead to sweeping arrests or detentions, nor have scattered bombings and other acts of terror and sabotage in Syria in 1985 led to such a result.

There is no forced labor.

e. Denial of Fair Public Trial

Criminal cases with no political implications are conducted according to a French-based legal code. The defendant is detained provisionally upon the accusation of the public prosecutor, then remanded to a judge of arraignment, who may either free him on the basis of insufficient evidence or refer the case to a criminal court. Defendants are entitled to legal representation of their choice; if they cannot afford an attorney, the court appoints and pays for a lawyer. Civilian courts impose no restrictions on lawyers in representing clients and allow the right of appeal. In noncontroversial criminal cases, the civilian courts are typically free from governmental interference; nevertheless, pressure from the party, state security forces, or other special units affects the course of the trials or the verdicts if there is high-level interest in a case.

Persons charged with security or political offenses fall under the jurisdiction of the military courts or the state security court. Arrests are made secretly and with no legal safeguards. The accused cannot be contacted by family or friends, who most often do not know the place of detention. The accused has no right to a judicial determination of the basis for pretrial detention, no redress for false arrest, and no say in the selection of a lawyer, who is chosen by the court. All court sessions are closed, and there are no official channels for obtaining information on the trial or sentencing, though relatives with influence in the Government may ultimately succeed in obtaining reliable information and even effecting the release of the accused.

The Government does not disseminate information on the number of persons detained without a fair trial for political or security offenses, and it is impossible to make an accurate estimate. Relatives of persons arrested by security forces have no way to publicize their cases and would be, in any case, too intimidated to do so.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Electronic surveillance is believed to be widespread. Intelligence organizations maintain a network of guards to protect officials and important buildings, as well as to monitor the activity of people living in those neighborhoods.

The presence of police and security officials is pervasive, especially in Damascus. The postal system censors the mail but

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does not check every letter or package. Although the legal system provides safeguards, including a requirement of arrest and search warrant before police are allowed to enter private homes, regulations under the state of emergency currently in effect suspend these safeguards in security-related cases.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Public criticism of the Government, the Ba'ath Party, or related institutions is not permitted. The broadcast media and publishing houses are wholly owned and operated by the Government or the Ba'ath Party and usually give only the official views on important issues. The very occasional criticism of governmental bodies or operations is sanctioned criticism directed at administrative failings. Officials above the middle ranks are rarely criticized.

Imported foreign printed matter and films generally are not censored, although articles are occasionally deleted from magazines and newspapers before distribution. This news material, along with fictional and nonfictional literature on the Middle East, is banned if considered critical of Syria. Control is much stricter on materials in Arabic. Censorship is exercised through offices in the ministries of Information and of Culture and National Guidance. During the November 1983 assault by Syrian-supported Palestinian organizations against pro-Arafat Palestinian forces in Tripoli, television news from neighboring Jordan was jammed, and Beirut periodicals were often withheld from the market. Even the publications of several Syrian-supported Palestinian organizations were suppressed during the war against the Palestinian camps in Beirut in May and June 1985.

Aside from a few church-run, private primary and secondary schools that are carefully inspected and follow the Education Ministry curriculum, schools at all levels are government-operated. Teachers are not permitted to express ideas contrary to government policy, although there is more openness of expression at the university level.

b. Freedom of Peaceful Assembly and Association

Public meetings, assemblies, or demonstrations can be held only with official acquiescence and usually at the instigation of the Government or the Ba'ath Party. Private societies are allowed to meet if they have received governmental permission to organize. These are limited to nonpolitical activities, including religious groups.

Professional organizations and labor unions function as parts of the government apparatus and are primarily used to transmit instructions and information from the Syrian leadership to their members. Unofficially, the unions also function as a means to keep the leadership informed of grievances and concerns at the grass roots level. Strikes are forbidden by law.

In response to observations by the International Labor Organization (ILO), the Syrian Government is reported to have made efforts to bring its legislation into conformity with the Convention on Freedom of Association and Protection of the Right to Organize. In its 1985 report, however, the ILO's

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Committee on the Application of Conventions and Recommendations stated that it hoped the Government would soon be in a position to report real progress in both its legislation and the application of the convention.

Membership in the Ba'ath Party is politically expedient but not forced; indeed, membership is achieved only through recommendation and invitation. There are a significant number of senior government officials who are not members of the party or whose membership is only honorary.

c. Freedom of Religion

Although Syria is predominantly Muslim, the Constitution does not espouse a state religion. As a concession to Islamic fundamentalists, who object to Ba'athi secularism, the present regime wrote into the Constitution the requirement that the president be Muslim, but otherwise there is no official advantage given to one religion over another. Sunni Arabs constitute over two-thirds of the populace. Many key positions in the Government, however, are controlled by members of the minority Alawi sect (10-12 percent of the population), which some Islamic fundamentalists do not accept as Muslim.

Ba'athi ideology and modernizing influences have had some impact in diminishing the primacy of religion and ethnicity, but an individual Syrian continues to be defined by his communal background. In this communally divided society, prejudice is virtually a way of life, though less so now than in the past. Non-Alawi minority groups do enjoy freedom to practice their religions. While members of non-Alawi minorities, as well as the Sunni majority, cannot usually aspire to more than marginal political power, every minority has members who prosper economically, and no minority can be said to be economically oppressed as a class. Proselytizing is discouraged. In an exception to the general official policy of religious tolerance, Seventh Day Adventists are forbidden by law to practice their religion, and all Adventist church property has been confiscated.

The 3,000-4,000 Jews are free to practice their religion. The situation of the Jewish community has improved in recent years, despite continuing uncertainty over the community's future, and today it enjoys a relatively good standard of living, access to higher education, and entrance into the professions. Jews are subject to restrictions on foreign travel, however, and, unlike other Syrian communal groups, the passports and identity cards of Jewish citizens contain a notation that the holder is Jewish. Given the officially proclaimed state of war with Israel, direct contact between Syrian Jews and Jews in Israel is not possible. There are unconfirmed reports that Jews are not permitted to hold government jobs, and, as in the cases of other small minority groups in Syria, no Jews are known to hold senior government or party office. Jews cannot serve in the military and, upon receiving degrees in technical fields, are not required to undertake 5 years of obligatory public service.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Internal travel is unrestricted except in the security zone of the Golan and close to the borders with Lebanon, Jordan, and Iraq. All citizens wishing to travel abroad must obtain passports and exit visas. In theory, any Syrian can be

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required to post a bond which would be forfeited in case of nonreturn. Syrian Jews, however, are the only travelers routinely required to post such a bond, which varies from \$250 to \$10,000 (recently the required bonds have been toward the lower end of the scale), depending on the person's position in the community and economic circumstances. In recent years, Jews have found it somewhat easier to travel overseas, although an official ban on their emigration has continued. The Government continues its policy of not issuing passports to all members of a Jewish family at the same time, although there have been some recent exceptions.

The Government generally forbids foreign travel for certain categories of citizens, e.g., persons liable for military service, and pharmacists, architects, and engineers trained in Syria at public expense who have not yet completed a 5-year government service obligation. Those who attempt to travel illegally are subject to fines and detention. Frequent exceptions are granted for students who receive permission from the Foreign Ministry to continue higher studies abroad. Emigration is not discouraged for groups other than those mentioned above.

There are no formal restrictions on the repatriation of Syrian citizens, although political opponents of the regime are arrested if they return. There have been no reports of revocation of citizenship. The Government does not recognize renunciation of citizenship or the acquisition of another nationality.

There is a Palestinian community of over 240,000, predominantly refugees from the 1948 and 1967 Arab-Israeli wars. Several thousand Lebanese and Palestinians entered Syria in 1982, fleeing Israel's invasion of Lebanon. Many participate fully in the Syrian economy, although Palestinians claim that procedures for the purchase of real property are cumbersome and they are allowed to own only one building or plot of land.

Palestinians are free to choose their place of residence and occupation, and they occupy several senior positions in the Syrian bureaucracy. They are issued special Palestinian travel documents by the Government in lieu of Syrian passports. They may not acquire citizenship or vote in Syrian elections.

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

Power in Syria resides with a single individual, President Asad. He and other members of the Alawi Muslim sect control many of the key positions in the Government, the Ba'ath Party, and the military and security forces. Popular participation in the political process is severely restricted. The Constitution stipulates that the Ba'ath Party is the leading political organization. Several other parties are permitted by law, but they exercise little power. There is no legal party in active opposition to the Government. All legal parties participate in the Progressive National Front, a mechanism which in theory is the highest political organization. Several political groupings are illegal, including the Syrian Socialist National Party, which was banned in the 1950's after carrying out a series of assassinations against government officials. It is now regaining favor with the regime. Also illegal are the Communist Party Political Bureau and the Party for Communist Action.

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President Asad was reelected to a third seven-year term in March 1985. He was unopposed in a referendum in which, according to government claims, over 99 percent of the eligible electorate participated and returned the President to office by a vote of over 99 percent.

Candidates for Parliament--which has no power independent of the will of the President--are selected by the ruling Ba'ath Party and, in theory, by four other parties which comprise the Progressive National Front. Personal loyalty to the regime and the President is a necessary qualification. Opposition lists of independents are offered but rarely prevail, probably because of the Front's far greater resources and organization and because of restrictions on freedom of expression. No independents were elected in the most recent elections in 1981.

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

The Government reacts to charges of human rights violations either by claiming that such charges are an intrusion in its internal affairs or by ignoring the charges altogether. The only internal group monitoring human rights ceased to exist in practical terms after some of its officers were arrested in April 1980. The last visit by Amnesty International delegates took place in March 1978; its periodic inquiries since then have received no response. The 1985 Amnesty International Report expressed concern over the imprisonment of over 260 prisoners of conscience, wide powers used by the security forces to arrest and detain thousands of political prisoners, long-term detention without trial, the routine use of torture by security forces, disappearances, extrajudicial executions, and the death penalty. Freedom House calls Syria "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Syria's population is over 10 million and is growing at a rate of 3.7 percent annually. Per capita gross national product was \$1,760 in 1983. Syria under Hafiz al-Asad officially has a Socialist economy. Although agricultural production and some small enterprise remain in private hands, an increasing proportion of agricultural processing and distribution and all large-scale industry have been placed in the hands of state enterprises. Petroleum extraction has been a primary source of foreign exchange in recent years, although declining production and greater local consumption have begun to erode the contribution oil exports have made to Syria's balance of trade. Prices, wages, rents, imports, exports, and exchange rates are heavily regulated. Nationalization remains a threat for any private investor who grows too big or successful. Personal and corporate income taxes are very high.

In recent years, most wealth has accrued to a new class of government officials, particularly the military, and those with connections to them. Syria's traditionally very dynamic entrepreneurial class has been deprived of most legitimate investment opportunities. Many individuals continue to maintain a comfortable existence, however, primarily through their contacts in the Government and (illegal) investment abroad.

At the same time that the Syrian Government tolerates widespread inefficiency and corruption, it has implemented

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extensive economic development programs of benefit to Syria's less-privileged classes. Land redistribution and infrastructure development (roads, electricity, water, telephones, radio and television, health, education, and agricultural extension service) have improved the quality of life for the poor throughout Syria.

The economy is not operating efficiently in the straitjacket of government controls, the balance of payments is in chronic crisis, and Syria has come to rely heavily on foreign aid and remittances to finance essential imports.

Life expectancy at birth is 67.3 years, and the declining infant mortality rate is 52.1 deaths per 1,000 live births. Both figures reflect the priority the Government has placed on improving health care and extending delivery systems in rural areas. According to 1980 statistics, 71 percent of Syria's population had access to safe drinking water, 98 percent in urban areas and 54 percent in rural areas. Caloric supply exceeds requirements. Virtually all urban areas are now electrified, and considerable progress has been made in rural parts of the country. Primary school education is compulsory for both male and female children until the age of 13.

Syrian labor statutes provide for comprehensive working standards. The minimum age in the predominant public sector is 18. In the private sector it is more variable: the absolute minimum age in the private sector is 12, while parental permission is required for children to work below the age of 16. The Labor Ministry has an enforcement mechanism, but the number of labor investigators is small, and violations of minimum-age laws may be extensive. Labor statutes provide for a 48-hour work week (six 8-hour days), though in certain fields in which workers are not continuously busy a 9-hour day is permitted. In actual practice, government employees rarely put in more than a 5-to-6 hour day. The statutes also stipulate a full 24-hour rest day per week and a minimum of 1 hour of rest per day; 14 days per year of annual leave (which rises to 21 days per year after 10 years' service); 70 percent of wages during the first 90 days of illness, then 80 percent for the next 90 days; and overtime pay (25 percent for daytime overtime, 50 percent for night, 100 percent for holiday). Employers are required to provide limited medical care, and if there are more than 100 employees, a nurse must be hired and the service of a physician provided as necessary. Minimum wages are prescribed in all sectors. Typically, a government employee earns no more than \$150-200 per month. However, many of them have second jobs. Rent controls and price subsidies allow such employees to enjoy a moderately comfortable existence despite nominally low wages.

The equality of women is guaranteed by the Constitution. Women participate extensively in the work force, particularly in Damascus, and the women's union works to expand the participation of women in all sectors of society, utilizing the media and a network of chapters throughout Syria to convey its message. At the same time, traditional religious law continues to apply in matters of personal status. Particularly among the majority Muslim population, this continues to limit women's rights in matters such as marriage, divorce, and inheritance.

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Tunisia, an Arab state in North Africa, is presided over by Habib Bourguiba, President for Life, who celebrated his 83rd birthday in 1985. A parliamentary republic since 1956, Tunisia has a Constitution which contains guarantees of basic human rights. The political system is dominated by the ruling Destourian (Constitutional) Socialist Party (PSD). Three opposition parties are legally recognized. The religiously oriented Islamic Tendency Movement, although not among these, is tolerated by the Government, as are two or three small opposition organizations.

A visible security apparatus which carries out random identity checks is maintained by the Government, partly as a result of security dictates due to the presence of the Arab League and Palestine Liberation Organization (PLO) headquarters in Tunis, but also in response to terrorist acts attributable to the Libyan Government.

Despite a bumper grain harvest and improved tourist and export receipts, soft petroleum and phosphate prices and the Libyan expulsion of some 31,000 Tunisian workers and dependents combined to limit growth in 1985. Per capita gross domestic product for 1985 is estimated at \$1,117, among the highest in Africa.

The past year saw a slight improvement in Tunisia's human rights situation over 1984, which had been marred by the Government's reaction to the bread riots in January 1984. The key political events of 1985 which had a bearing on human rights were the municipal elections, boycotted by the opposition, in May; the dramatic deterioration of relations between Tunisia and Libya following Libya's decision to expel the Tunisian workers, leading to the severing of diplomatic ties at the end of September, as well as increased measures by security forces as the Government sought to counter possible Libyan subversion; and pressures on the main trade union movement. The Israeli raid on the headquarters of the PLO on October 1 led to tension throughout the country, especially in the Tunisian Jewish community. Tension between labor and government has posed problems, and continuing poor relations with Libya may bring further security measures. The upcoming legislative elections in November 1986 will also be an important focal point for Tunisian concerns.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

There were no reports of political killings in 1985. There was, however, a letter-bomb campaign in Tunis in September, perpetrated by the Qadhafi regime, which resulted in one person seriously wounded and contributed to a break in diplomatic relations.

b. Disappearance

There were no reports of disappearances in 1985.

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c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There is reliable evidence that physical and psychological abuse of prisoners occasionally occurs. Isolated cases of police brutality are reported by the Arabic-language press and in communiqués released by the Tunisian League of Human Rights, an independent group with branches throughout the country. There were no confirmed examples of officially ordered or approved torture in 1985. In September the Paris-based Association for the Defense of Human Rights and Democratic Liberties in the Arab World placed Tunisia on a list of countries facing allegations of torture. Conditions in Tunisian detention centers and prisons are poor and in some instances injurious to health. In 1985 there were numerous reports that civil prisons had become overcrowded and seriously undersupervised.

d. Arbitrary Arrest, Detention, or Exile

Arrests of individuals opposing the Government do occur, most frequently on charges of illegal political activity. Those expressing extreme Islamic viewpoints are reported to bear the brunt of arbitrary or secret detention, although those with leftist, Pan-Arabist, or pro-Libyan views are also arrested. These persons are often subjected to long periods of preventive detention without ever coming to trial and have been known to be arrested and released several times without being charged.

There is no legal limit on preventive detention but in July a new initiative was announced by the Tunisian League of Human Rights which apparently was being considered by the Government. The plan would limit initial incommunicado holding of a detainee to a period of 4 days with the possibility of a single 4-day extension. After each period the prisoner would have a medical examination. The proposed law would limit preventive detention to 6 months for misdemeanors and 1 year for felonies. No indication has been given as to whether the plan will be signed into law, but on November 1 the Prime Minister announced before Parliament that a law setting limitations to these practices would be introduced.

In 1981 Tunisia was criticized by the International Labor Organization (ILO) for its forced labor policies in prisons. While Tunisia continues to use forced labor as a sentence, it reportedly resolved ILO concerns on this issue in 1983 in a comprehensive report. The ILO has continued to urge Tunisia to bring its legislation on rehabilitation work and civic service into conformity with the Convention on Forced Labor.

e. Denial of Fair Public Trial

No secret trials were held in 1985, and there were no cases of trials in special security courts. In all cases, defendants had access to legal counsel. The judiciary is relatively free of government interference, but in the spring the Government suppressed Tunisia's Young Magistrates Association. Although the dispute was primarily over salaries and working conditions, the Association's demands also included greater judicial independence from the Government. The harsh government response demonstrated its unwillingness to tolerate opposition from within the judiciary.

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The Government has claimed that all untried political prisoners have been released, but continued releases and rearrests of Islamic fundamentalists and trade union members make actual numbers difficult to determine.

Certain prominent politicians and others remain abroad to avoid trial or detention.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The privacy of the individual and of the home are generally respected. However, the security police sometimes secure blanket rather than specific judicial authorization for the arrest of individuals suspected of activities posing a security threat. Isolated instances of the monitoring of correspondence and telephones are reported.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Tunisian citizens feel free to criticize the Government in private and, in more restrained terms, in public, but personal criticism of President Bourguiba is not allowed. This is also true for the press, which is diverse and lively in its commentary on Tunisian politics and society. A large segment of the press is privately owned.

Tunisian law requires that the first printed copy of each edition of every national news publication be submitted to a censorship authority. This body has the power to censor (either partially or completely) any publication it receives. In some cases the Government will take the further step of bringing charges against the editor or publisher. During 1985, the Government suspended publication or seized issues of at least eight publications; two independent publications failed due to financial losses during their suspension. The normal period of suspension is 3 to 6 months but depends upon the offending topic and varies with individual publications. One paper was suspended for a year for printing a harshly worded article criticizing Syria's President Assad. The opposition weekly Al Mostaqbal was banned for 6 months in December 1984 for an editorial criticizing the Government's lack of response to the burning of some regional opposition headquarters and accusing some governors of complicity.

The Tunisian General Trade Union Federation's daily newspaper Achaab was banned for 6 months in July for an article which the Government said attacked the dignity of certain governors. In February the Government rescinded its 6-month suspension of the independent weekly Realites for an interview with an exiled Tunisian politician. On at least three occasions the Government seized issues of domestic publications. In addition, one foreign news publication, Jeune Afrique, was banned from October 1984 to January 1985. The Government and the Destourian Socialist Party also pressured would-be advertisers to discourage placement of advertisements in opposition publications. In early November five journalists were arrested in connection with a confrontation between the Government and the Tunisian General Trade Union Federation (UGTT). They were released shortly thereafter and all charges against them were dropped.

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Academic freedom is fully respected, and scholarly research is not subject to interference. However, dissent is muted by the fact that faculty salaries are paid by the Government. Islamic and leftist student groups are tolerated but are not officially recognized.

b. Freedom of Peaceful Assembly and Association

The Constitution guarantees freedom of assembly, but government permission must be obtained to hold political meetings. Recognized political parties met throughout the year. In early 1985, before the municipal elections, there were some incidents in which unknown persons broke up opposition rallies, usually outside Tunis, and some regional local opposition political party headquarters were burned. Ruling party activists were suspected of being responsible, although ruling party officials say these actions are not condoned. No charges have been brought, but the Government has expressed concern.

During 1985 members of the opposition Socialist Progressive Movement (MSP), the Islamic Tendency Movement, the Islamic Liberation Party, and the Tunisian Communist Party were detained on charges of illegal political assembly. Fourteen members of the MSP went to court on November 27 only to have their trial immediately postponed to July 1986. Members of the Islamic Tendency Movement were released in early October without standing trial. Islamic Liberation Party members are awaiting appeal.

The right to organize a union and to strike is guaranteed by the Tunisian Constitution. All workers have a right to affiliate with a union. These constitutional guarantees have contributed to the development of a large free trade union movement in Tunisia--one of the most important free trade union movements in the Arab world. The Tunisian General Trade Union Federation (UGTT) is the largest labor body, with about 300-350,000 members. A second federation, the National Federation of Tunisian Workers, was formed in 1984 by dissidents from the UGTT. The Labor Code also protects the right of collective bargaining. Collective conventions are negotiated between the Government, employers, and workers to establish wage rates in all industrial sectors. All major wage contracts are negotiated with the participation of representatives from these three groups.

The Government imposed a public sector wage freeze in 1984 and 1985. The UGTT strongly opposed this policy and salary negotiations remained at an impasse, adding to internal social tensions. To combat these tensions the Government has followed a carrot and stick approach, alternately negotiating and settling with some unions and then, where strikes were still threatened, imposing temporary restrictions on specific union activity. Current restrictions include a ban on workplace meetings and a suspension of dues checkoff privileges for public sector employees. The period of rising tensions over Libya's expulsion of Tunisian workers further exacerbated government-UGTT relations when the labor union refused to halt strikes for 90 days in support of the Government. In reaction, the Government launched a media campaign to discredit the UGTT Secretary General and called on ruling party members within the union to take over the leadership of all UGTT locals.

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Apparently in an effort to forestall strikes at a time of increased tension with Libya, to force the union to yield on its call for wage hikes not tied to increased productivity, and to force the ouster of UGTT Secretary General Habib Achour, Tunisian security forces on October 31 occupied major trade union offices in Tunis and elsewhere throughout the country and arrested trade union members. Subsequent strikes in Gafsa, Gabes, and Sfax led to confrontations with the police. On November 10 Achour was placed under de facto house arrest. No court order accompanied the action. While many of the union officials and members who had been detained were released, police rounded up 30-40 Islamic leaders on the university campus and sent them to perform their required 1 year military service with the Saharan Development Brigade.

In a communique issued on December 5, Labor Minister Noureddine Hached and the UGTT Executive Board agreed that the position of the trade union would be normalized under the supervision of the UGTT Executive Board, that those union members who had continued under detention would be released, that those expelled from work for union activities would be reinstated, and that government-UGTT negotiations would resume. On the same day, the press reported that Achour had been fired as UGTT Secretary General and that Sadok Allouche had been elected to succeed him. After 7 weeks of house arrest Achour was convicted on January 1 of usurping union authority at a cooperative in Sfax and sentenced to 1 year in prison. At year's end, it was estimated that between 20 and 25 trade unionists were still in jail.

c. Freedom of Religion

Although Islam is the state religion, the Constitution guarantees religious freedom. Proselytizing for religions other than Islam is prohibited. There is no religious discrimination in private commerce and employment, although government employment is generally reserved for Muslims. The Jewish community worships freely and maintains indigenous organizations with official protection. Synagogues and Jewish-owned shops have been subject, however, to attack during periods of tension. In one incident two Jews and one Muslim policeman were killed when a second policeman guarding a synagogue on the island of Djerba opened fire on passersby. Throughout the tense aftermath of the Israeli raid October 1 on PLO headquarters outside Tunis, the Government took extraordinary measures to protect the Jewish community. Expatriate Christians freely attend church services. Under an agreement between the Vatican and the Tunisian Government, several Roman Catholic orders remain active. The Bahai's have been given government protection in the past but in November 1984 the Government ordered them to cease all religious gatherings. Since that time the community has not been the object of any further restrictions, although the ban on its religious gatherings is still in effect.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Free movement within Tunisia is allowed although citizens must carry identity cards. Passports for foreign travel are easily available but may be withheld if an individual is suspected of clandestine links to a foreign government. There is no restriction on emigration or repatriation.

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

High government office is effectively restricted to members of the Destourian Socialist Party (PSD).

The municipal elections of May 1985 were boycotted by the legally recognized opposition parties which claimed that there were no guarantees for proper democratic elections. Although tolerated, Islamic fundamentalist political groups have not been allowed to be active politically, except to some extent on university campuses. Regional actions against opposition groups did occur before the elections although not apparently under direct orders from the PSD in Tunis. In March a gang violently broke up a meeting of the opposition Democratic Socialist Movement in Sbeitla and in April an opposition headquarters was burned in Le Kef.

Voters were presented with a slate consisting solely of PSD candidates but had the possibility of returning blank ballots. The high official figures of voter participation (92.03 percent) do not tally with firsthand accounts of events at the polls.

The Government reportedly issued an order that one-third of the candidates for the municipal elections should be women. This directive was largely met and large numbers of women were elected to municipal councils (although only two women were elected mayor).

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

The Tunisian League of Human Rights has met repeatedly with the highest government officials to discuss arrest and detention procedures. The League publishes a bulletin which details reported human rights abuses. It holds national meetings without hindrance. Tunisia also has shown a willingness to speak out to criticize human rights abuses in other countries and has forcefully condemned terrorism regardless of motivation or origin. Efforts to get government permission to set up a local chapter of Amnesty International (to report only on human rights violations in other countries) met, however, with silence and were eventually abandoned. In the section of its 1985 report dealing with Tunisia, Amnesty International noted its concern about the imprisonment of prisoners of conscience; the torture and ill-treatment of prisoners; and the death penalty. Freedom House calls Tunisia "partly free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

Tunisia's population of 7,259,000 is growing at an annual rate of 2.3 percent. Per capita gross domestic product is \$1,117. There are, however, regional disparities and pockets of severe poverty.

Tunisia's resources continue to be heavily devoted to education and to economic and social development. As a result of the Government's commitment to mass education for both sexes, the population is increasingly well-educated. School enrollment ratios are high: 109.01 per cent of the eligible age groups in 1982 were enrolled in primary school. Women

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have equal access to education by law and approximately 40 percent of the primary/secondary school enrollment is female. Adult literacy in 1985 was 62 percent.

Life expectancy is about 62 years and according to the World Bank infant mortality is 52.6 per 1,000 live births. The Government has an active program of family planning and birth control. The percentage of population with access to safe water in 1982 was 97 per cent for urban areas and 25 per cent in rural areas. Caloric supply as a percent of basic requirements is 116 percent.

Shortly after independence, Tunisia adopted an enlightened labor code which provided for standards of work, hours of work, and a minimum wage. These conditions apply directly to some 60 percent of the labor force who work in government jobs, parastatal companies, and in professions such as teaching. Another 20 percent of the labor force who work in agriculture and the private sector are indirectly affected by these provisions. About 20 percent of the work force, principally domestics and migrant agricultural labor, are not covered by the labor code.

The base minimum wage in the industrial sector is 96 Tunisian dinars (TD) (approximately \$125) for a 40-hour week. In agriculture the base minimum wage is 76 TD (approximately \$100) per week, although this only directly applies to some 3 percent of the agricultural work force. Employees who are covered under the minimum wage also by law receive other benefits including social security, disability and health insurance, transportation and family allowances, and paid leave. The normal workweek is either 40 or 48 hours. The labor code also requires employers to pay overtime, a night work differential, and holiday pay. In the major urban areas a minimum wage employee with a family of four will net between 120-150 TD (approximately \$160-\$200) per month when allowances (nontaxable) are included. Child labor is prohibited prior to 16 years of age. Moreover, these provisions are widely enforced through an oversight program directed by the Labor Ministry.

The Tunisian Ministry of Social Affairs has established a health and safety office to improve health and safety standards in the workplace. In many hazardous jobs--e.g. mining, petroleum engineering, and construction--the Government has established new safety regulations and is enforcing more safety precautions.

Legal equality between men and women is vigorously supported by the Government. Equal rights in the areas of divorce and child custody are, for example, guaranteed by legislation. A small number of women serve in the Government at all levels; for example there are 2 women cabinet ministers out of 26, there are at least 5 women jurists who have direct impact on cases they hear or review, and there are 7 women in the 132-member Chamber of Deputies. Nevertheless, the centralized nature of decisionmaking generally limits the influence of women at the national level. Despite the Government's efforts, traditional practices in many cases keep women, especially in the rural areas, from full attainment of their legal rights.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: TUNISIA

	1983	1984	1985
I.ECON. ASSIST.-TOTAL...	18.6	17.7	27.9
LOANS.....	11.1	13.5	4.5
GRANTS.....	7.5	4.2	23.4
A.AID	5.0	1.6	22.8
LOANS.....	0.0	0.0	0.0
GRANTS.....	5.0	1.6	22.8
(SEC.SUPP.ASSIST.)...	5.0	1.5	20.0
B.FOOD FOR PEACE.....	12.6	14.7	5.1
LOANS.....	11.1	13.5	4.5
GRANTS.....	1.5	1.2	0.6
TITLE I-TOTAL.....	11.1	13.5	4.5
REPAY. IN \$-LOANS....	11.1	13.5	4.5
PAY. IN FOR. CURR....	0.0	0.0	0.0
TITLE II-TOTAL.....	1.5	1.2	0.6
E.RELIEF.EC.DEV & WFP.	0.0	0.0	0.0
VOL.RELIEF.AGENCY....	1.5	1.2	0.6
C.OTHER ECON. ASSIST...	1.0	1.4	0.0
LOANS.....	0.0	0.0	0.0
GRANTS.....	1.0	1.4	0.0
PEACE CORPS.....	1.0	1.4	0.0
NARCOTICS.....	0.0	0.0	0.0
OTHER.....	0.0	0.0	0.0
II.MIL. ASSIST.-TOTAL...	102.0	111.6	66.6
LOANS.....	87.0	92.0	50.0
GRANTS.....	15.0	19.6	16.6
A.MAP GRANTS.....	13.8	18.0	15.0
B.CREDIT FINANCING...	87.0	92.0	50.0
C.INTL MIL.ED.TRNG...	1.2	1.6	1.6
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0
E.OTHER GRANTS.....	0.0	0.0	0.0
III.TOTAL ECON. & MIL...	120.6	129.3	94.5
LOANS.....	98.1	105.5	54.5
GRANTS.....	22.5	23.8	40.0
OTHER US LOANS.....	0.0	0.0	0.0
EX-IM BANK LOANS.....	0.0	0.0	0.0
ALL OTHER.....	0.0	0.0	0.0
ASSISTANCE FROM INTERNATIONAL AGENCIES			
	1983	1984	1985
TOTAL.....	151.1	221.6	245.3
IBRD	148.8	135.1	141.0
IFC	0.0	1.0	2.3
IDA	0.0	0.0	0.0
IDB	0.0	0.0	0.0
ADB	0.0	0.0	0.0
AFDB	0.0	84.7	93.0
UNDP	0.8	0.8	0.0
OTHER-UN	1.5	0.0	0.0
EEC	0.0	0.0	9.0
			1946-85
TOTAL.....			1925.3
IBRD			1479.4
IFC			65.1
IDA			70.1
IDB			0.0
ADB			0.0
AFDB			201.1
UNDP			48.7
OTHER-UN			10.9
EEC			50.0

UNITED ARAB EMIRATES

The United Arab Emirates (UAE) is a federation, formed in 1971, of seven autonomous emirates. The Provisional Constitution, adopted at independence and renewed in 1976, makes the Supreme Council, composed of the rulers of the seven constituent emirates, the country's highest legislative and executive authority. From its membership, the Supreme Council elects a president and vice president. The president appoints a prime minister and a cabinet. A Federal National Council of 40 members, each appointed by the ruler of the emirate he represents, advises the federal government on legislation and reviews government operations. Its recommendations, although not binding, receive serious government consideration.

By constitutional provision, and by the force of tradition, the individual emirates retain extensive powers over such vital issues as economic policy (including petroleum policy), internal security, and even defense. Their rulers' legitimacy is based on long-standing traditions of tribal leadership. The rulers spend most of their time on emirate matters, and seldom meet as a federal Supreme Council.

The economy is based almost entirely on oil production, which has made the national per capita income one of the world's highest. A small citizen population, estimated at 200,000-300,000, controls the country's economic life but depends heavily on a much larger contingent of foreigners, estimated at approximately 1 million, to provide most of the manual labor and technical skills to sustain the economy. In recent years, economic recession, a consequence of the slack world oil market, has brought cutbacks in the number of foreign workers and greater government vigilance about immigration and labor regulations.

There was no appreciable change in the human rights situation in 1985. Increasing tensions in the Iran-Iraq war raised the UAE's level of security preparedness, but without precipitating terrorist incidents or significant security-related restrictions on personal freedoms. The ruling families and their close allies continued to dominate political life and to play a major role in its economic and commercial life. There was no discernible movement to expand the powers of the Federal National Council or to extend political participation beyond the ruling circles.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

No political killings were reported during 1985.

b. Disappearance

No disappearances were reported in 1985.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Provisional Constitution prohibits torture or degrading treatment of any person, and the physical or moral abuse of an

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accused person. No instances of torture were reported in 1985. Prison conditions, including diet and medical facilities, are adequate. Prisoners are permitted visits from family members, friends, and lawyers. Consular access to imprisoned foreign nationals is permitted, although it is sometimes slow to be approved. There is no evidence that the authorities allow mistreatment of prisoners.

There were no instances in 1985 of the amputation of a hand for theft or a stoning for adultery under the system of Shari'a law which is an integral part of the judicial system. There have been instances of public caning for consumption of alcohol. A sentence of stoning for adultery, imposed on a married Muslim male who confessed his guilt, was overturned when the man denied guilt on a retrial ordered by the ruler of the emirate in which the case was heard.

d. Arbitrary Arrest, Detention, or Exile

The Provisional Constitution prohibits arrest, search, detention, or imprisonment except in accordance with the law, and the laws of each emirate prohibit arrest or search without probable cause. Prolonged detention without charge is rare, although instances have been reported, especially in national security cases. One known case of arbitrary arrest and prolonged detention, first reported in 1984, was resolved in 1985 with the release, without charge, and deportation of the person detained. By law, the police must report any arrest to a judge within 48 hours for his determination whether to charge, release, or, with sufficient police justification, allow limited further detention of the person as the police continue their investigation. Once charged, suspects come to trial expeditiously. In 1985, there were no reported instances of preventive detention. Forced labor is not practiced. The Provisional Constitution prohibits the exile of citizens.

e. Denial of Fair Public Trial

The UAE has a dual system of Shari'a courts and Western-type courts, both of which deal with both criminal and civil cases from first instance through a multilevel appeal process. The determination of which court system hears a particular case can depend on the choice of the plaintiff or on the nature of the case.

Legal counsel is readily available and permitted to represent a defendant in both court systems. The court may appoint legal counsel if counsel agrees to provide services free; no system of state payment of public defenders exists.

There are no jury trials. All cases, except national security cases and those deemed by the judge likely to upset public morality, are open to the public. Most judges are foreign nationals, primarily from other Arab countries. Interference in the judicial process by rulers is said to occur occasionally. Nonetheless, the court system is generally regarded as fair and its judgments well-considered.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Provisional Constitution prohibits entry of homes without permission, except in accordance with strict legal provisions. Surveillance of private correspondence is not practiced.

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Except for rare instances involving national security, no cases of arbitrary interference with privacy have been reported in the past 2 years.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Emirate citizens are constitutionally guaranteed freedom of speech. As a matter of practice, most inhabitants, especially foreign nationals, are circumspect in public discussion of sensitive political topics.

Most of the local English and Arabic language newspapers are privately owned, but all except one receive government subsidies. The press operates under a law which codifies the powers of censorship and media closure and under guidelines for reporting which, with self-censorship by journalists, make the actual imposition of censorship relatively rare. Local newspapers are seldom critical of government policy. They are cautious in reporting on the ruling families, national security, and relations with neighboring states. In general, the Arabic press is more open, particularly on domestic issues, than the English press.

The censorship department of the Ministry of Information and Culture scrutinizes all imported newspapers, periodicals, films, and videos and bans items considered pornographic, violent, derogatory to Islam or Christianity, favorable to Israel, unduly critical of friendly countries, or critical of the ruling families.

The Ministry of Information and Culture and some emirate governments own the radio and television stations and assure programs and news reporting in conformity with standards imposed on the other media.

Visas for foreign journalists are tightly controlled, but, once in the UAE, a journalist is free to travel, interview, and file stories, which are, however, subject to censorship on security grounds.

b. Freedom of Peaceful Assembly and Association

Political parties are not allowed. Organized public gatherings require a government permit. In practice, public gatherings are rare. The citizen population normally confines its political discussion and debate to the numerous "assemblies," held in private homes, which are a local tradition.

There is no legal provision for the right of workers to organize, to engage in collective bargaining, or to strike. Foreign workers attempting to do so would almost certainly be deported. For the resolution of work-related disputes, workers have access to conciliation committees, organized by the Ministry of Labor and Social Affairs, and to special labor courts. These committees and courts are regarded as effective and fair.

Because foreign workers can stay in the UAE only with the continuing approval of the Government, and because many face unemployment or lower wages in their country of origin, they sometimes fall prey to abuse or exploitation by employers who take advantage of their reluctance to protest. The Government

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has taken steps to improve the labor law covering conditions of employment, compensation, inspection of the workplace, and enforcement procedures.

c. Freedom of Religion

Islam is the official religion of the UAE, but non-Muslims (predominantly foreign Christians) are free to practice their faith in their own places of worship, served by their own clergy, so long as they do not publicly proselytize or distribute religious literature. Although the relocation in 1982 of the Catholic and Anglican churches from prominent seafront locations in Abu Dhabi raised fears of possible restrictions, both these churches, along with other Christian denominations and other non-Christian faiths, have flourished.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

There are no restrictions on freedom of movement or relocation within the country except for such security areas as defense and oil installations. Unrestricted foreign travel and emigration are permitted to citizens. Exit visas are not required. The right of return is extended to all citizens. There are no known instances of revocation of citizenship for political reasons. Foreign workers who terminate employment are normally required to leave the country for at least 6 months before they may return to take up a new job. However, some categories of skilled personnel have been exempted from this provision.

The UAE and its member-emirates have long accepted groups of displaced persons, such as Palestinians, and those attracted by economic opportunity, such as Iranians. Except for those who were settled in the area long before the UAE's independence, few of these persons have become citizens. Although lacking a formalized procedure for accepting refugees, the UAE occasionally grants Iranians refuge if they can demonstrate that they would face persecution in Iran. However, most Iranians, if intercepted attempting to enter the country illegally, are turned back.

The UAE is host to a U.N. Development Program office which can assist those claiming refugee status to get to a United Nations High Commissioner for Refugees (UNHCR) mission abroad. The Government contributes to the United Nations Relief and Works Agency and the UNHCR.

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

The UAE has no formal democratic institutions. Most of its citizens have little or no say in the process of government or in the choice of leaders. The bulk of executive and legislative power is in the hands of the seven emirate rulers and their families. Intermarriage and alliances between the ruling families and other influential families extend the network of informal participation by which most major decisions are made.

The positions and powers of individual rulers are not defined constitutionally. They are the product of traditional concepts of authority. Although the rulers and ruling families are presumed to have a right to rule, their incumbency ultimately

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depends on the quality of their leadership and responsiveness to their subjects' needs. Emirate rulers are accessible to any subject who has a problem or a request. The choice of a new ruler falls to the ruling family, which is supposed to choose its most capable and respected eligible member. In practice, to avoid violent succession disputes which were common in the past, primogeniture has become increasingly common.

The political dominance of the ruling families is intertwined with their substantial involvement and influence in economic life. The ruling families and their close allies control and profit from petroleum production, and, with important merchant families, have a major stake in the UAE's commercial life. Women play virtually no public role in the UAE's conservative male-dominated society. However, pressure for change may come from the generally superior educational performance of girls (who are restricted from educational opportunities abroad) and their increasing secondary and university enrollment.

Foreigners, with few exceptions, play almost no direct political role in order to avoid jeopardizing their residence status.

In 1985, there were few indications of movement toward more formal democratic institutions. The country's most representative institution, the Federal National Council, continued to meet and debate government policy, but with no sign of change in its advisory status or in its nonelective method of selection.

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

The UAE is responsive to foreign criticism of its human rights situation. For example, it has improved its labor laws in response to criticism that low-paid foreign workers were being mistreated. The UAE has no internal groups which monitor human rights. No outside human rights group visited the UAE in 1985. In its 1985 report, Amnesty International expressed concern about the use of cruel, inhuman, and degrading punishment. It also noted its concern about the continued imposition of the death penalty, but welcomed the commutation of such sentences. Freedom House rated the UAE "partly free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

The total population is estimated at 1,286,000, growing by an estimated 3.1 percent annually. The per capita gross domestic product of \$22,870 is exceptionally high. Approximately 20 percent of the population are UAE citizens and 80 percent are foreign nationals. The Government has developed employment guidelines designed to increase the number of citizens in managerial positions. Nevertheless, foreigners still dominate technical, managerial, and professional positions. UAE citizens predominate in high-level government positions.

Local attitudes toward foreigners are ambivalent. Most UAE citizens acknowledge that massive economic development would have been impossible without them. At the same time, many fear that their culture may be inundated by foreign influence. Although many foreigners have lived in the UAE for years and have held highly responsible positions in the public and

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private sectors, very few, even fellow Arabs, have been granted citizenship.

In 1985, the economy continued its downward trend, affected by a weak world oil market. The downturn has affected the commercial sector and the rental market, on which many citizens depend for their income, and has threatened the banking sector. Nonetheless, most UAE citizens, beneficiaries of laws and regulations which assure their economic participation, still enjoy a high standard of living.

The federal Government and the individual emirate governments have inaugurated an extensive social welfare program. Good quality medical treatment, free only to citizens, is available in all but the most remote areas. Life expectancy at birth is 72 years; infant mortality is 36.3 per 1,000 live births. The Ministry of Labor and Social Welfare administers a social security payment system designed to assure poorer citizens a minimum monthly income. Virtually all citizens, urban and rural, have access to safe water.

Education is compulsory to age 12. There are approximately 250,000 children of all nationalities in approximately 545 elementary and secondary schools. UAE citizens and noncitizen employees of the Government can send their children to school free. Other foreign nationals must pay to send their children to private schools or lower-cost government evening schools. Adult literacy, enhanced by programs enrolling over 25,000 adults in 1985, is estimated at 65 per cent.

Labor regulations prohibit employment of youths below 18 and restrict hours of work to 8 hours per day, 6 days per week. There is no minimum wage. The Government has adopted some occupational safety standards which are generally enforced.

Conservative attitudes about women's roles and the frequency of early marriage still limit their educational opportunities. However, women's education is advancing and opportunities for women are growing in such areas as government service and the news media, besides the more traditional fields of education and health.

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The military has played a preeminent role in the Yemen Arab Republic (North Yemen) since it came into being in 1962. The current leader is Colonel Ali Abdullah Salih, President of the Republic, who assumed office in 1978 following the assassination of his two immediate predecessors, both of whom also came from the senior ranks of the military. No ranking national government official currently serving in office has been elected in a truly competitive process.

Until the revolution of 1962, Yemen was a theocracy isolated from much of the outside world. The bloody civil war that followed the revolution did not end until 1970. Portrayed as the legitimate heir of the 1962 revolution, the present Government has relied heavily on military and security forces to bolster its position, particularly in the unstable Yemeni political environment of its early years. Civilians serving as cabinet ministers or in other capacities play key roles in advising the President. The Government has not been able, however, to extend its authority fully into many regions still isolated from Sanaa by the rugged terrain. Tribal traditions, poorly developed public institutions, and widespread poverty also impede efforts to form a more cohesive society and greatly influence the state of human rights.

The Yemen Arab Republic is a poor country with an extremely limited industrial infrastructure. Petroleum deposits were discovered by an American company in 1984, and President Salih has announced reserves of 300 million barrels in the discovery field. Oil export revenue is not expected before 1988. Yemen has a free-market economy in which freedom to hold private property and pursue private economic interests is virtually unlimited.

Overall there was little change in the state of human rights in 1985. In the early 1980's human rights practices were strongly affected by the activities of the National Democratic Front (NDF), a foreign-supported, Marxist-oriented rural guerrilla movement operating in the central and southern regions of the country. Fighting between government forces and the guerrillas was at times heavy and basic human rights of the population living in the affected areas were often violated in the wake of the Front's terrorism and the frequently repressive antiterrorist campaigns. Although the sharp reduction in the Front's military activity since the summer of 1982 has led the central Government to reduce repressive practices previously adopted to confront the security threat, the gradual extension of the Government's authority since the subduing of the NDF has also increased the impact of arbitrary and sometimes oppressive practices of national security officials, whose effective jurisdiction was previously confined mainly to the major urban centers.

RESPECT FOR HUMAN RIGHTS**Section 1 Respect for the Integrity of the Person, Including Freedom from:****a. Political Killing**

There are now very few reported terrorist attacks against the civilian population and there were no reports that government forces engaged in political killing in 1985.

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b. Disappearance

There continue to be reports that the National Security Organization occasionally resorts to secret arrest. In rural areas, both government security forces and tribal militias occasionally take hostages.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

The Yemen Constitution, the "National Charter," and Yemeni legal statutes all proscribe the use of torture. Nevertheless, reports persist that police and security organization personnel continue to use force and intimidation to extract confessions from persons accused of criminal and political offenses. There have been no known prosecutions on this charge, however.

The Yemeni legal code is based on Islamic Shari'a law which calls for such forms of punishment as amputation and stoning. These penalties were rarely applied in 1985, often being waived in favor of monetary payment to the aggrieved party.

Some prisoners receive food, clothing, and medicine from their families to ameliorate the otherwise harsh conditions prevalent in most Yemeni jails. Without this support, prisoners must subsist on the limited diet and health care provided by the State. Those detained outside the major urban centers suffer more than others from substandard care.

d. Arbitrary Arrest, Detention, or Exile

Constitutional provisions limit the time police may hold suspects without judicial authorization and there are established procedures through which the detainees may contact their families and lawyers. However, legal safeguards have been ignored when special security forces have detained persons suspected of subversion. The practice of long-term imprisonment of political opponents continues. Estimates are hard to make, although some reports put the number over 100.

There were also instances of incommunicado detention. If the security forces suspect involvement in antigovernment activity, it may be particularly difficult to secure a suspect's timely release. However, family and friends are usually able to learn a detainee's whereabouts in a few days.

Although government officials are not exempt from politically motivated arrest, prominent public figures whose opposition to government policies falls short of subversion are rarely detained by the security police. Instead, they are generally forced to withdraw from public life and their activities are closely monitored by government authorities. Usually, such persons are not subject to formal house arrest, but are simply told not to work for a time.

There is no forced labor.

e. Denial of Fair Public Trial

There are several types of courts in the Yemen Arab Republic, including traditional Shari'a (Islamic) courts, commercial courts, and special security courts. The Shari'a courts have jurisdiction in all cases that do not fall into the latter two

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categories, although there is overlapping jurisdiction in some commercial law cases. The Shari'a courts appear to be fair and impartial, within the context of the Islamic tradition. The judge plays an active role in questioning the witnesses, seeking to establish the guilt or innocence of the accused. Attorneys may counsel their clients, but do not address the court or examine witnesses. If the defendant is to be brought to trial, he is informed of the charges against him at the conclusion of the police investigation.

There is a possibility of appeal to political authorities outside the Shari'a system. Persons often seek to bring the influence of prominent people or government officials to bear in a case. The ability to do so varies according to the status of the defendant. In the commercial court, litigants can also expect a fair and open trial with legal counsel. The Shari'a and commercial courts remain largely independent of the executive, though all decisions are subject to review and confirmation by the President.

Those formally charged with espionage or other antigovernment activities are tried in special security courts. These courts are convened at the direction of the President to handle specific cases. Rights normally afforded the accused may be suspended in security cases. All decisions made by the security court are subject to review and confirmation by the President. The number of political prisoners held in Yemeni prisons may, by rough estimate, number 100 or more.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

National Security forces operate under an open mandate to search homes, monitor telephone conversations, read personal correspondence, or otherwise intrude into private lives when they believe the security of the State is jeopardized. However, the substantial amount of weaponry held by private citizens and the isolation of many villages mitigate against wanton invasion of privacy by the police in many areas of rural Yemen.

Section 2. Respect for Civil Rights, Including:

a. Freedom of Speech and Press

A number of limits on free speech exist, but their effect is limited to the urban population by the Government's incomplete control over the country. The Information Ministry controls the management of radio, television, and all newspapers and periodicals enjoying wide circulation. The limited number of privately-owned publications occasionally criticize malfeasance by public officials or address economic issues, but generally avoid expressing opinions at variance with the Government's. The Government has on several occasions removed articles from these publications before they can be made public. It has also suspended publishing rights for extended periods to punish attempts at printing material the censors find objectionable. Editors of independent newspapers have been tried for libel against public officials; some have been acquitted. Foreign magazines and newspapers are sold in the major cities but are subject to periodic censorship.

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b. Freedom of Peaceful Assembly and Association

Political parties are illegal. The People's General Congress, which was established by the Government in August 1982, is the main mechanism for popular political expression. The ostensible purpose of the Government in establishing the Congress was to promote regular discussion and endorsement of the National Charter, which outlines the personal and political rights of the Yemeni people. Standing committees of the Congress continue to meet at both the national and regional levels to give the Charter a wide public audience, and members of the Congress have as their principal task promotion of the Charter.

Political demonstrations, although not illegal, are rare. The major mass meetings were sponsored by the Government in connection with the elections and National Day celebrations.

Unions and professional organizations play a minor role in the country. Legislation prohibits the establishment of unions independent of government controls. Strikes are illegal and there is no right to collective bargaining.

Association of Yemeni citizens with foreigners is closely monitored by National Security officials. The names of those visiting embassies or attending social functions hosted by foreigners are routinely recorded, and access to these functions is sometimes denied. Security officials have on occasion detained Yemeni citizens for investigation of their possible links with foreigners.

Tribal councils provide alternative channels for political expression. Outside North Yemen's few cities, tribal leaders have wide latitude in making decisions affecting local welfare. Gradually, however, the National Security Organization is penetrating previously autonomous local communities.

c. Freedom of Religion

Islam is the state religion and that of the vast majority of Yemenis. Members of the Zaydi (Shi'a) sect have historically enjoyed greater political influence than those of the Shafei (Sunni) sect, although this distinction has often been as much based on geographic and tribal considerations as on sectarian grounds. For the most part, the two major Islamic communities coexist without friction and seek to minimize the significance of doctrinal differences. Muslim associations with ties to Pan-Islamic or foreign organizations enjoy some degree of freedom, including the right to operate schools which are largely independent of the national education system.

Although almost all of the once substantial Yemeni Jewish population has emigrated to Israel, the small number of Jews remaining live in peace with the Muslim majority. These Jews practice their religion freely, and suffer no unusual economic hardships. They maintain only very limited contact with Jews abroad. Communications between Yemeni Jews and their coreligionists and relatives in Israel are strictly proscribed.

There is no indigenous Christian population. Foreign Christians are allowed to conduct private services, although the establishment of churches is not permitted. Foreign clergy are not permitted into the country for missionary

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purposes; however, there are a few working in social-service fields. Public celebration of non-Islamic religious holidays is discouraged. Proselytizing is forbidden by law. Christian missionaries have operated hospitals for many years, but have experienced some harassment from local authorities and the press for alleged missionary activities.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation.

Many Yemenis historically have sought employment abroad. The Government has not restricted this large-scale emigration in view of the importance to the economy of foreign remittances. Procedures for obtaining passports and compulsory exit permits are sometimes onerous, particularly for Yemeni males who have not fulfilled their military service obligations. Political dissidents have frequently chosen self-imposed foreign exile or have accepted government appointments abroad rather than face possible difficulties at home stemming from their political views. There are no restrictions on travel by Yemenis within the country despite the presence of numerous security checkpoints on all major roads. Foreigners must obtain travel permits from the tourist office, which usually issues them with little difficulty.

Several refugee groups have sought asylum in Yemen. Approximately 2,700 armed members of the Palestinian Liberation Organization sought refuge in North Yemen in the fall of 1982 and December 1983 following their evacuation from Lebanon; many have since departed. Perhaps 250,000 South Yemenis have settled in North Yemen to escape political persecution or economic hardship in the south. Refugee groups from countries in the Horn of Africa have frequently sought residence in Yemen, often for economic rather than political reasons. The authorities have taken measures to restrict the flow of these national groups. For example, many Somalis and Ethiopians, who have no claim to Yemeni citizenship or clear demonstration of being political refugees, find it difficult to obtain work permits and visa extensions.

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

The President makes the key political decisions in government-controlled areas. There is no mechanism for the people to choose or elect an alternative chief executive through free, competitive elections. There are no legal opposition parties.

The People's Constituent Assembly reviews and ratifies legislation proposed by the President and the cabinet ministers he appoints. The Assembly has never disapproved the President's policies, but on occasion in 1985 called ministers and other ranking government officials to explain proposed legislation. The members of this legislative body were appointed by presidential decree in 1978. Once scheduled for 1983, parliamentary elections have not taken place and their timing remains uncertain.

The People's General Congress is the only national political organization whose members have been selected in competitive elections. Convoled in 1982 to discuss the National Charter, it held its second national convention in August 1984 to endorse government policies. The 1,000 delegates (700

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elected) represent most segments of Yemeni society. Women, as a rule absent from public life, hold a few seats in the Congress, and have the right to vote in general elections. Reportedly debate at times has been vigorous within the Congress, but the President and his key advisors control the agenda closely. Elections were held in July 1984 to fill 17,507 positions on newly created "Local Development Councils" which are responsible for local government as well as local development projects. For the first time in North Yemen's history, the balloting was secret, and it included all citizens over 18 years of age except for the mentally handicapped and certain criminals. Well received by the population, the elections were a step toward extending government control in the countryside.

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

As far as is known, no major international or nongovernment organization has asked to conduct a survey in the Yemen Arab Republic. The Amnesty International 1985 Report does not contain an entry for the Yemen Arab Republic; Freedom House rates it "partly free." There are no active human rights organizations in Yemen.

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

North Yemen's population of 6,159,000, which is growing at a rate of 2.9 percent annually, is spread throughout an estimated 50,000 settlements. More than half the population lives in settlements of under 500. Among the poorest countries in the world, North Yemen's per capita gross national product was estimated at \$550 in 1983.

Standards of health and education are particularly low. Life expectancy at birth was estimated at 45 years in 1985. This figure reflects in part the high rate of infant mortality of 137 per 1,000 live births. Estimates of adult illiteracy were 91 percent in 1980. Educational enrollments in the past five years have increased 168, 164, and 272 percent at primary, secondary, and university levels respectively but the latest figures still show only 47 percent of the school age population enrolled in primary school. Boys attend school in greater number than do girls. The 1980 statistics for access to safe drinking water were 18 percent in rural areas and 100 percent in urban areas.

Statistics on national income provide an incomplete description of Yemeni society, however, since several hundred thousand Yemenis work abroad, principally in the wealthier countries on the Arabian Peninsula. The estimated 1 billion dollars or more in hard currency remittances of the Yemenis working outside is a key element sustaining the national economy even though little of this wealth has been mobilized for investment in national development projects. Thus, many families enjoy a relatively more comfortable financial status than the figures would imply, while government efforts to collect taxes continue to be frustrated. The Government has assigned high priority to economic development, especially in agriculture, and efforts to rebuild villages devastated by a major earthquake in 1982 are continuing.

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Economic wealth is distributed on a relatively egalitarian basis throughout the society and many farmers own their own lands. Most citizens encounter no institutional barriers to pursuing their primary economic interests in the largely free-market economy. Yemenis from non-Arab ethnic groups or children of ethnically mixed marriages frequently encounter discriminatory treatment from public officials and are less successful in finding good jobs than other Yemeni citizens. For example, the "Akhdam" caste of former slaves of African origin are often relegated to menial jobs such as streetsweeping and trash collecting. However, this has not resulted in social unrest, given the many chances for outmigration available to Yemenis seeking more lucrative employment opportunities elsewhere.

Much of local production is agrarian or "cottage type" industry in which children often work. The presence of children in the workplace is more a reflection of family values and expectations than an exploitation of available labor. Children, especially outside urban centers, traditionally learn their trade or occupation from their parents rather than from formal educational experiences.

While working conditions are sometimes harsh, reflecting the subsistence economy which exists for many, the Government has set general safety requirements and occasionally inspects to insure that industrial producers have established safety standards for their employees. The generally accepted pay scale for unskilled workers is 100 Yemeni riyals (approximately \$13) per day.

Living in a conservative Islamic society which remained largely isolated from the modern world prior to 1962, few Yemeni women are employed outside the home or play an active role in other aspects of public life. Additionally, education for women in significant numbers began only at the end of the civil war in 1970. The Government does not restrict women's access to employment and is trying to expand their educational opportunities. However, lack of manpower continues to inhibit the opening of new schools and the staffing of existing institutions. Traditional Islamic norms, more stringently followed in rural areas, as well as the considerable time expended by women in water and fuel collection, constrain the number of women attending classes.

Women are now present in the middle levels of several ministries such as the Central Planning Organization, and one woman is in the Constituent Assembly. A few were elected to Local Development Councils. Prevailing social norms frequently dictate, however, that women defer to the guidance of their male colleagues and accept close supervision of their activities by male relatives. Women seeking exit permits for travel outside the country are frequently asked to provide evidence that male relatives have no objection to their travel.

U.S.OVERSEAS -LOANS AND GRANTS- OBLIGATIONS AND LOAN AUTHORIZATIONS
(U.S.FISCAL YEARS - MILLIONS OF DOLLARS)

COUNTRY: YEMEN ARAB REPUBLIC

	1983	1984	1985	

I.ECON. ASSIST.-TOTAL...	29.2	31.4	39.6	
LOANS.....	0.0	3.0	12.0	
GRANTS.....	29.2	28.4	27.6	
A.AID	28.1	27.4	27.6	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	28.1	27.4	27.6	
(SEC.SUPP.ASSIST.)...	0.0	0.0	0.0	
B.FOOD FOR PEACE.....	0.0	3.1	12.0	
LOANS.....	0.0	3.0	12.0	
GRANTS.....	0.0	0.1	0.0	
TITLE I-TOTAL.....	0.0	3.0	12.0	
REPAY. IN \$-LOANS.....	0.0	3.0	12.0	
PAY. IN FOR. CURR.....	0.0	0.0	0.0	
TITLE II-TOTAL.....	0.0	0.1	0.0	
E.RELIEF.EC.DEV & WFP.	0.0	0.1	0.0	
VCL.RELIEF AGENCY.....	0.0	0.0	0.0	
C.OTHER ECON. ASSIST...	1.1	0.9	0.0	
LOANS.....	0.0	0.0	0.0	
GRANTS.....	1.1	0.9	0.0	
PEACE CORPS.....	1.1	0.9	0.0	
NARCOTICS.....	0.0	0.0	0.0	
OTHER.....	0.0	0.0	0.0	
II.MIL. ASSIST.-TOTAL...	6.9	5.1	6.4	
LOANS.....	4.0	0.0	0.0	
GRANTS.....	2.9	5.1	6.4	
A.MAP GRANTS.....	1.7	4.0	5.0	
B.CREDIT FINANCING.....	4.0	0.0	0.0	
C.INTL MIL.ED.TRNG....	1.2	1.1	1.4	
D.TRAN-EXCESS STOCK...	0.0	0.0	0.0	
E.OTHER GRANTS.....	0.0	0.0	0.0	
III.TOTAL ECON. & MIL...	36.1	36.5	46.0	
LOANS.....	4.0	3.0	12.0	
GRANTS.....	32.1	33.5	34.0	

OTHER US LOANS.....	0.0	0.0	0.0	
EX-IM BANK LOANS.....	0.0	0.0	0.0	
ALL OTHER.....	0.0	0.0	0.0	

ASSISTANCE FROM INTERNATIONAL AGENCIES				
	1983	1984	1985	1946-85

TOTAL.....	53.6	58.3	29.2	482.3
IBRD	0.0	0.0	0.0	0.0
IFC	4.0	0.0	4.9	12.0
IDA	47.5	56.0	22.7	417.5
IDB	0.0	0.0	0.0	0.0
ADB	0.0	0.0	0.0	0.0
AFDB	0.0	0.0	0.0	0.0
UNDP	2.1	2.3	0.0	43.2
OTHER-UN	0.0	0.0	1.6	9.6
EEC	0.0	0.0	0.0	0.0

PEOPLE'S DEMOCRATIC REPUBLIC OF YEMEN*

The People's Democratic Republic of Yemen (South Yemen) is a one-party state under the control of the Marxist-Leninist Yemen Socialist Party (YSP). The present leader of the YSP and President of South Yemen, Ali Nasir Mohammed, came to power in 1980 when his predecessor, Abd Al-Fattah Isma'il, was ousted in a bloodless coup and fled to exile in Moscow. Although confronted by an array of more militant Marxist rivals, including Abd Al-Fattah, who returned from the Soviet Union in 1985, Ali Nasir has retained his position because of Soviet support and was reelected to the party chairmanship at the Third YSP General Congress in October 1985. Since 1979, South Yemen has remained firmly within the Soviet sphere of influence.

Because of governmental instability and efforts to restructure the country's traditional society, an estimated 25 percent of the population has fled since independence was achieved in 1967, mostly to the Yemen Arab Republic (North Yemen).

Approximately 40 percent of the population is engaged in agriculture, which produces about 12 percent of the gross national product. The economy continues to stagnate, with production low and employment scarce. Shortages have increased markedly since 1984. More than 150,000 men work outside the country, providing critically needed remittances.

South Yemen is a Communist police state tightly controlled by a ruthless police and security apparatus, and human rights are subordinate to the political and economic interests of the ruling party and the Government.

While South Yemen is a closed society in which it is difficult to gauge the extent of human rights abuses, reports from South Yemen in 1985 confirm that the suppression of human rights continues as a matter of state practice. The State Security Organization (SSO) and other intelligence and law enforcement organizations maintain tight control and surveillance over the inhabitants. Freedom of association is highly circumscribed, and confiscation of property continues as a method of controlling emigration. For the immediate future, there appears to be little to suggest any fundamental change in the human rights situation.

RESPECT FOR HUMAN RIGHTS

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

a. Political Killing

Although there have been many political killings since 1967, there were no known cases in 1985.

*The United States maintains no diplomatic mission in the People's Democratic Republic of Yemen, which severed diplomatic relations with the United States in 1969. It is difficult therefore to comment authoritatively on conditions in that country. This report does not take into account the developments ensuing upon the coup attempt in January 1986 which may have left many dead and the country in turmoil.

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b. Disappearance

Reports continued to be received in 1985 of the disappearance of regime opponents, and the whereabouts of others reported missing under mysterious circumstances remains unknown.

c. Torture and Cruel, Inhuman, or Degrading Treatment or Punishment

There were continuing reports of torture by the SSO and other security organizations in 1985, despite the Constitution's prohibition of such actions. Prison conditions are far below acceptable medical and sanitary standards, and solitary confinement for political dissidents is reportedly commonplace. Treatment of prisoners is reportedly harsh and often degrading.

d. Arbitrary Arrest, Detention, or Exile

Unconfirmed reports by refugees indicate that political dissidents continued to be arrested in 1985. Several South Yemeni political figures out of favor with the regime are under house arrest. The Government withholds information concerning the detention of political prisoners, and no recent estimates of numbers are available. State security considerations take precedence over the right to bail and due process. The evidence suggests that incommunicado detention has been practiced in the past. There are no reports of forced labor.

e. Denial of Fair Public Trial

From the limited information available, the judicial process appears subject to extensive political manipulation. Trials involving security considerations are closed, although a Ba'athist spy trial was televised in 1985.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Provisions of law intended to protect personal privacy and the home are legally subordinate to the interests of national security. The law requires that antiregime and antiparty statements be reported. There is also a complex system of informants, telephones are routinely monitored, mail is examined, and persons are searched arbitrarily.

Section 2 Respect for Civil Rights, Including:

a. Freedom of Speech and Press

Freedom of speech is sharply limited both by laws aimed at protecting the regime and by the existence of an extensive informant system. Although guaranteed by law, freedom of the press does not exist in fact as the media are state-controlled. Only a few foreign publications are available.

b. Freedom of Peaceful Assembly and Association

No public or professional associations except those sponsored by the Government or the party operate openly, and reports indicate that except for traditional religious and tribal functions, nonsanctioned public gatherings and associations

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are not allowed. The Yemeni Socialist Party does, however, sponsor community meetings, which are generally held for political indoctrination. Association with foreigners is strictly controlled. The Government has made a concerted effort to suppress traditional tribal identification.

There are no independent trade organizations or labor unions, and government-sponsored labor unions are under close party control. Collective bargaining is forbidden. The State represents the rights of its employees. Measures such as the curtailment of overtime have aggravated the relationship between workers and the State. There is no nongovernment mechanism for addressing such grievances.

c. Freedom of Religion

The Constitution declares Islam to be the state religion but guarantees freedom of religious expression. In practice, the Government has attempted to minimize the influence of religious leaders, a large number of whom were arrested during the late 1960's and early 1970's. Sermons for Friday prayer in Aden are reportedly provided by the Ministry of Awqaf (i.e., religious trusts) Affairs.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Government controls foreign travel, and citizens are required to pay a deposit to insure their return. Property is confiscated in case of failure to do so. Restrictions on travel to North Yemen, however, seem to have eased during recent years as a result of improved relations between the two countries. Citizens are free to travel within their province of residence without restriction and also need no special documentation for travel to other provinces, except for some restricted security areas.

The Government has tried in the past several years to encourage South Yemeni exiles to return. Many exiles are skeptical of the Government's motives and fear for their safety if they were to return.

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

Political power is concentrated within the highest level of the Yemeni Socialist Party. Personal and factional allegiances play a major role in decisionmaking by the party leadership. The Constitution guarantees the right to vote to males and females over the age of 18, and elections are held regularly. However, only party-approved candidates may contest elections at any level, and no other parties or political action groups are permitted.

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

In its 1985 Report, Amnesty International noted that it was continuing to seek the release of 20 prisoners of conscience and to investigate the cases of 9 possible prisoners of conscience, all of whom were arrested between 1967 and 1977, and that, as in the past, no response was received from South

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Yemeni authorities to Amnesty International's inquiries. Freedom House rated South Yemen as "not free."

ECONOMIC, SOCIAL, AND CULTURAL SITUATION

South Yemen has a population of 2.2 million which is growing at an annual rate of 2.9 percent. Per capita gross national product was estimated at \$520 in 1983. One-fourth of the population lives in the vicinity of Aden; about 150,000 are nomadic Bedouin, and the rest are scattered in the rural areas.

Although the number of hospitals has dramatically increased since independence and health care is provided without charge, services are reported to be substandard and declining in quality. Life expectancy in 1985 was 47 years, and the infant mortality rate was 131 per 1,000 live births. As of 1980 only 46 percent of the population had access to safe water (85 percent in urban areas and 25 percent in rural areas). Since the 1982 floods, there has been a housing shortage.

The Government has made a major effort to increase the literacy rate. In 1981, the primary school enrollment ratio was 82 percent of primary school age children. Illiterate adults are required to attend literacy classes.

Child labor is more prevalent in the rural areas than in urban centers, where children must compete with adults for scarce employment. Child labor in rural areas is often the result of traditional parent-child job training and apprenticeship rather than exploitation. Working conditions, once among the best in the area, have deteriorated markedly since the regime came to power, although the closed nature of the state has made it difficult to fully document these conditions.

Equality of the sexes is guaranteed by law, and women frequently hold government and service jobs. Polygamy, child marriages, and arranged marriages are forbidden.

There is little information available on the position of minorities, although some reports suggest that the Somali minority has been severely restricted in its activities, with many of its leading members intimidated.

APPENDIX A

Notes on Preparation of the Reports

The annual Country Reports on Human Rights Practices are based upon all information available to the United States Government. Sources include American officials, officials of foreign governments, private citizens, victims of human rights abuse, congressional studies, intelligence information, press reports, international organizations, and nongovernmental organizations concerned with human rights. We are particularly appreciative of, and make reference in most reports to, the role of nongovernmental human rights organizations, ranging from groups in a single country to major organizations that concern themselves with human rights matters in larger geographic regions or over the entire world. Much of the information we use is already public. For obvious reasons, much of our information cannot be attributed to specific sources.

The reports must be submitted to Congress by January 31. To comply, United States diplomatic missions are given guidance in September for submission of draft reports during October and November; contributions are received from appropriate offices in the Department of State; and a final draft is prepared under the coordination of the Bureau of Human Rights and Humanitarian Affairs. Because of the preparation time required, it is possible that developments in the latter part of the year under review may not be fully reflected; moreover, reports from some of the nongovernmental organizations are for periods ending well before the end of the year. We make every effort to include reference to major events or significant changes in trends.

We have attempted to make these country reports as comprehensive as space will allow, while taking care to make them objective and as uniform as possible in both scope and quality of coverage. We have given particular attention to attaining a high standard of consistency despite the multiplicity of sources and the obvious problems related to varying degrees of access to information, structural differences in political and social systems, and trends in world opinion regarding human rights practices in specific countries. There is a conceptual difficulty in applying a single standard of evaluation to societies with differing cultural and legal traditions. There is also a problem of perspective in discussing countries that face differing political realities, which must be taken into account in describing the human rights environment. Rather than viewing a country in isolation, these reports take as their point of departure the world as it is and then apply a consistent approach in assessing each country's human rights situation. While we have tried to make each report self-contained by including enough background information to place the human rights situation in context, readers who need to delve more deeply may wish to consult other sources, including previous country reports.

To improve the uniformity of the reports, the introductory section of each report has been reorganized to provide a brief setting, indicating how the country is governed and providing the context for examining the country's human rights performance. A description of the political framework and a discussion of the security and law enforcement situation are followed by an economic background statement. The setting concludes with an overview of human rights developments in 1985.

The format for the reports follows that of last year. "Respect for Human Rights" is covered in sections on respect for integrity of the person, respect for civil rights, and respect for political rights, followed by a section on governmental attitudes toward investigations of alleged human rights violations. The "Economic, Social, and Cultural Situation," although not readily divisible into separate sections, is organized this year to present, in turn, a brief description of the economy, a summary of health care and education, a survey of working conditions, and a discussion of the status of women, followed, where applicable, by comments on the treatment of ethnic or national minorities.

The following notes on specific categories of the report are not meant to be comprehensive descriptions of each category but to provide definitions of key terms as used in the reports and to explain the organization of material within the format:

Political Killing--Includes killings in which there is evidence of government instigation without due process of law, or of political motivation by government or by opposition groups; also covers acts of violence, if pertinent to describe a situation where killing may occur; excludes combat deaths and killings by common criminals, if the likelihood of political motivation can be ruled out.

Disappearance--Covers unresolved cases in which political victims have not been found or perpetrators have not been identified; cases eventually classed as identified political killings are covered in the above category, those eventually identified as arrest or detention are covered under "arbitrary arrest, detention, or exile."

Torture and Cruel, Inhuman, or Degrading Treatment or Punishment--Includes "any act by which severe pain or suffering, physical or mental, is intentionally inflicted by or at the instigation of a public official on a person to obtain information or a confession, to punish him for actual or suspected commission of an act, or to intimidate him or others" (UNGA Resolution 3452 of 1975); discussion concentrates on actual practices and treatment, not on whether they fit the precise definition of torture.

Arbitrary Arrest, Detention, or Exile--Covers cases in which detainees, including political detainees, are held in official custody without charges or, if charged, are denied a public preliminary judicial hearing within a reasonable period (persons charged after a hearing but held without bail would be discussed in the category that follows); covers forced or compulsory labor (see Appendix B) as a means of education, political coercion, or racial or social discrimination. (N.B., if no mention is made of forced or compulsory labor, it may be assumed that the practice does not exist.)

Denial of Fair Public Trial--Discusses not whether a trial has been denied but whether a trial held was both fair and public; failure to hold any trial is noted in the category above; includes discussion of "political prisoners" (political detainees are covered above), defined as those imprisoned for essentially political beliefs or acts, regardless of the actual charge, but not including those who have gone beyond advocacy and dissent to commit acts of violence.

Arbitrary Interference with Privacy, Family, Home, or Correspondence--Discusses "passive" right of the individual to noninterference by the state; includes right to receive foreign

publications, for example, while right to publish is discussed under the category that follows; does not include cultural or traditional practices, such as discrimination against women within marriage, which are addressed in the last part of the report.

Freedom of Speech and Press--Includes academic freedom.

Freedom of Peaceful Assembly and Association--Includes right of labor to organize and bargain collectively (see Appendix B).

Freedom of Religion--Includes freedom to publish religious documents in foreign languages; addresses treatment of foreign clergy; addresses whether religious belief affects membership in a ruling party or a career in government.

Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation--Includes discussion of forced resettlements; generally, "refugees" refers to those with "well-founded fear of persecution" in their country of origin or, if stateless, of habitual residence, on account of race, religion, nationality, membership in a particular social group, or political opinion.

Respect for Political Rights: The Right of Citizens to Change Their Government--Discusses extent to which citizens can freely choose, and change, the laws and officials that govern them; assesses whether elections are meaningful.

Government Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights--Includes discussion of domestic and foreign human rights organizations operating in the country; mention is made of a government's position on international human rights questions only if there is a particular point to be made.

Economic, Social, and Cultural Situation--Selected economic and social indicators are designed to serve as reference points but not absolute standards in discussing the extent to which human needs are met. The quality of data is highly variable; for the sake of uniformity, World Bank figures have been used in most cases. The indicators chosen are those that are both most nearly representative and universal, although their usefulness declines in discussing fully developed countries (N.B., the indicator "Total school enrollment as a percentage of population in age group" frequently exceeds 100 percent because in countries with universal education many children below or above the official primary school age will be enrolled as well as all of the children within the age group). In addition to these indicators, the 1985 reports address conditions related to worker rights, including minimum age for the employment of children and acceptable conditions of work (see Appendix B).

APPENDIX B

Reporting on Worker Rights

The Generalized System of Preferences Renewal Act of 1984 requires reporting on worker rights in GSP beneficiary countries and states that internationally recognized worker rights include "(A) the right of association; (B) the right to organize and bargain collectively; (C) a prohibition on the use of any form of forced or compulsory labor; (D) a minimum age for the employment of children; and (E) acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health." Reporting on worker rights for 1985 is included in the human rights reports format described in Appendix A and is covered in separate paragraphs in response to the Act's requirement that worker rights be addressed separately within the report. In previous years, the right of association and the right to organize and bargain collectively were addressed in Section 2b (Freedom of Peaceful Assembly and Association); this continues to be the practice, as these rights are important indicators of the broader right to associate. Similarly, comments on the use of forced or compulsory labor are included in section 1d (Arbitrary Arrest, Detention, or Exile), as in the past. Discussion of the employment of children and of wages, hours, and occupational safety is included in the "Economic, Social, and Cultural Situation" to facilitate the consideration of these topics in context, in keeping with the intent of the Trade Act Conferencees that the definition of worker rights "be interpreted to be commensurate with the development level of the particular country." The treatment of worker rights considers not only laws and regulations but also their practical implementation, taking into account the following additional guidelines:

A. The right of association has been defined by the International Labor Organization (ILO) to include the right of workers and employers to establish and join organizations of their own choosing without previous authorization; to draw up their own constitutions and rules, elect their representatives, and formulate their programs; to join in confederations and affiliate with international organizations; and to be protected against dissolution or suspension by administrative authority.

A collateral issue that is often considered in the context of freedom of association concerns legal provisions for strikes. Freedom of association is not synonymous with the right of workers to strike as strikes may be curtailed in essential services (i.e., those services whose interruption would endanger the life, personal safety, or health of a significant portion of the population) and in the public service. Such restrictions, however, must be offset by adequate guarantees to safeguard the interests of the workers concerned (e.g., machinery for mediation and arbitration; due process; and the right to judicial review of all legal actions). Reporting on restrictions affecting the ability of workers to strike should include information on any procedures that may exist for safeguarding workers' interests.

B. The right to organize and bargain collectively includes the right of workers to be represented in negotiating the prevention and settlement of disputes with employers; the right to protection against interference; and the right to protection against acts of antiunion discrimination. Governments should promote machinery for voluntary negotiations between employers and workers and their organizations.

C. Forced or compulsory labor is defined as work or service exacted from any person under the menace of penalty and for which the person has not volunteered. (It should be noted that the ILO has specifically exempted the following from its definition of forced labor: compulsory military service; certain civic obligations; certain forms of prison labor; work exacted in emergencies; minor communal services.)

D. "Minimum age" concerns the effective abolition of child labor by raising the minimum age for employment to a level consistent with the fullest physical and mental development of young people. In addition, young people should not be employed in hazardous conditions or at night.

E. "Acceptable conditions of work" refers to the establishment and maintenance of machinery, adapted to national conditions, that provides for minimum working standards, i.e., wages that provide a decent living for the workers and their families; working hours that do not exceed 48 hours per week with a full 24-hour rest day; a specified annual paid holiday; and minimum conditions for the protection of the safety and health of workers.

APPENDIX C

SELECTED
INTERNATIONAL
HUMAN RIGHTS
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	Slavery Convention of September 25, 1926	Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of September 7, 1956	Inter-American Convention on the Granting of Political Rights to Women of May 2, 1948	Convention on the Political Rights of Women of March 31, 1953	Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949	Geneva Convention Relative to the Protection of Civilian Persons in time of War of August 12, 1949	Protocol Relating to the Status of Refugees of January 31, 1967	Convention on the Prevention and Punishment of the Crime of Genocide of December 9, 1948	International Covenant on Civil and Political Rights of December 16, 1966	International Covenant on Economic, Social and Cultural Rights of December 16, 1966	American Convention on Human Rights of November 22, 1969	European Convention for the Protection of Human Rights and Fundamental Freedoms of November 4, 1950
Africa												
Angola					x	x	x					
Benin	x				x	x	x					
Botswana	(x)	(x)			x	x	x					
Burkina Faso					x	x	x					
Burundi					x	x	x					
Cameroon	x	x			x	x	x		x	x		
Cape Verde					x	x						
Central African Republic	x	x		x	x	x	x		x	x		
Chad					x	x	x					
Comoros												
Congo	x	x		x	x	x	x		x	x		
Djibouti		x			x	x	x					
Equatorial Guinea												
Ethiopia	x	x		x	x	x	x	x				
Gabon				x	x	x	x	x	x	x		
Gambia, The	(x)	(x)			x	x	x	x	x	x		
Ghana	x	x		x	x	x	x	x				
Guinea	x	x		x	x	x	x		x	x		
Guinea-Bissau					x	x	x					
Ivory Coast	x	x			x	x	x					
Kenya					x	x	x		x	x		
Lesotho	x	x		x	x	x	x	x				

* All of these international human rights conventions have come into force, having respectively been ratified by the required number of states as specified in the final clauses of each convention. The "X" indicates those states that have ratified; parentheses signify countries which are parties based on general declarations concerning treaty obligations applicable prior to independence.

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Africa—Continued												
Liberia	x			x	x	x	x	x				
Madagascar	x	x		x	x	x	x		x	x		
Malawi	x	x		x	x	x						
Mali	x	x		x	x	x	x	x	x	x		
Mauritania				x	x	x						
Mauritius	x	x		x	x	x			x	x		
Mozambique					x	x		x				
Namibia, U.N. Council for					x	x						
Niger	x	x		x	x	x	x					
Nigeria	x	x		x	x	x	x					
Rwanda					x	x		x	x	x		
Sao Tome and Principe					x	x						
Senegal	x	x		x	x	x		x	x	x		
Seychelles	(x)	(x)		x	x	(x)	x	(x)				
Sierre Leone	x	x		x	x	x	x					
Somalia					x	x						
South Africa, Republic of	x				x	x						
Sudan	x	x			x	x	x					
Swaziland	(x)	(x)		x	x	x	x					
Tanzania	x	x		x	x	x	x	x	x	x		
Togo	x	x			x	x	x	x	x	x		
Uganda	x	x			x	x	x					
Zaire	x	x		x	x	x	x	x	x	x		
Zambia	x	x		x	x	x	x		x	x		
Zimbabwe	(x)	(x)			x	x	x					

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Central and South America—Continued												
St. Christopher & Nevis	(x)	(x)		(x)	(x)	(x)						
St. Lucia	(x)	(x)		(x)	x	x	(x)	(x)				
St. Vincent and the Grenadines	x	x	x	(x)	x	x	x	x	x	x		
Suriname	x	x		(x)	x	x	x		x	x		
Trinidad and Tobago	x	x		x	x	x			x	x		
Uruguay			x		x	x	x	x	x	x	x	
Venezuela				x	x	x		x	x	x	x	
East Asia and the Pacific												
Australia	x	x		x	x	x	x	x	x	x		
Brunei	(x)	(x)		(x)	(x)	(x)						
Burma	x							x				
Cambodia		x			x	x		x				
China					x	x	x	x				
China (Taiwan only)	x	x		x				x				
Fiji	x	x		x	x	x	x	x				
Indonesia				x	x	x						
Japan				x	x	x						
Kiribati	(x)	(x)		(x)	(x)	(x)	x	(x)	(x)	(x)		
Korea, North				x	x	x			x	x		
Korea, South				x	x	x						
Laos		x		x	x	x		x				
Malaysia		x			x	x						

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East Asia and the Pacific—Continued												
Mongolian People's Republic	x	x		x	x	x		x	x	x		
New Zealand	x	x		x	x	x	x	x	x	x		
Papua New Guinea	x			x	x	x		x				
Philippines	x	x		x	x	x	x	x		x		
Singapore		x		x	x	x						
Solomon Islands	x	x		x	x	x				x		
Thailand				x	x	x						
Tonga	(x)	(x)		(x)	x	x		x				
Tuvalu	(x)	(x)		(x)	x	x			(x)	(x)		
Vanuatu				x	x	x						
Vietnam	x			x	x	x		x	x	x		
Western Samoa					x	x						
Europe and North America												
Albania	x	x		x	x	x		x				
Austria	x	x		x	x	x	x	x	x	x		x
Belgium	x	x		x	x	x	x	x	x	x		
Bulgaria	x	x		x	x	x		x	x	x		
Canada	x	x		x	x	x	x	x	x	x		
Cyprus		x		x	x	x	x	x	x	x		x
Czechoslovakia	x	x		x	x	x		x	x	x		
Denmark	x	x		x	x	x	x	x	x	x		x
Finland	x	x		x	x	x	x	x	x	x		
France	x	x		x	x	x	x	x	x	x		x
German Democratic Republic	x	x		x	x	x		x	x	x		

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Europe and North America—Continued												
Germany, Federal Republic of	x	x		x	x	x	x	x	x	x		x
Greece	x	x		x	x	x	x	x		x		x
Holy See												
Hungary	x	x		x	x	x		x	x	x		
Iceland		x		x	x	x	x	x	x	x		x
Ireland	x	x		x	x	x	x	x	x	x		x
Italy	x	x		x	x	x	x		x	x		x
Liechtenstein					x	x	x					
Luxembourg		x		x	x	x	x	x	x	x		x
Malta	x	x		x	x	x	x					x
Monaco	x			x	x	x		x				
Netherlands, The	x	x		x	x	x	x	x	x	x		x
Norway	x	x		x	x	x	x	x	x	x		x
Poland	x	x		x	x	x		x	x	x		
Portugal	x	x		x	x	x	x		x	x		x
Romania	x	x		x	x	x		x	x	x		
San Marino		x		x	x	x						
Spain	x	x		x	x	x	x	x	x	x		x
Sweden	x	x		x	x	x	x	x	x	x		x
Switzerland	x	x		x	x	x	x		x	x		x
Turkey	x	x		x	x	x	x					x
Union of Soviet Socialist Republics	x	x		x	x	x		x	x	x		
United Kingdom	x	x		x	x	x	x	x	x	x		x
U.S.A.	x	x	x	x	x	x	x					
Yugoslavia	x	x		x	x	x		x	x	x		

APPENDIX D

Explanation of Statistical Tables

Tables listing the amounts of U.S. bilateral assistance and multilateral development assistance in the fiscal years of 1983, 1984, and 1985 are provided for each country which received such assistance during those fiscal years (tables in which Export-Import Bank loans would have been the only statistics reflected have been omitted). In general, loans are reported as of the fiscal year of authorization, and grants are reported for the fiscal year of obligation. Food for Peace commodities financed by grants under Title II of P.L. 480 are reported by dollar amount shipped during the fiscal year.

Data for AID for 1985 loans and grants are as indicated in the FY 1987 Congressional Presentation. All other data are as presented in "U.S. Overseas Loans and Grants and Assistance from International Organizations" (The Green Book).

U.S. bilateral assistance figures are broken down by two basic categories.

I) Economic Assistance

II) Military Assistance

For each category, the overall amounts are further broken down in two ways: first, to indicate the amount of aid provided in the form of loans and grants; and second, to indicate the amount provided under various programs (e.g., AID, Food for Peace, etc.).

In addition, the tables list the amount of loans (not generally considered "assistance") made by other U.S. government sources and the amounts committed by international agencies, such as multilateral financial institutions and United Nations agencies.

Key Abbreviations1) U.S. Economic Assistance

Sec. Supp. Assist.

Security Supporting Assistance (also known as Economic Support Fund)

Repay. In \$-Loans

Assistance in the form of loans repayable in U.S. dollars

Pay. In For. Curr.

Assistance in the form of loans repayable in foreign currencies

E. Relief Ec. Dev. & WFP

Economic Relief, Economic Development, and World Food Program

Vol. Relief Agency

Assistance channeled through voluntary relief agencies

Contr. to IFI

Contributions to international financial institutions

2) U.S. Military Assistance

MAP Grants

Grants provided under the Military Assistance Program

Credit Sales - FMS

Credits provided under the Foreign Military Sales Program

Intl. Mil. Ed. Trng.

Grant aid provided under the International Military Education and Training (IMET) Program

Tran-Excess Stock

Equipment provided as Excess Defense Articles

3) International Agencies

IBRD

International Bank for Reconstruction and Development (World Bank)

IFC

International Finance Corporation

IDA

International Development Association

IDB

Inter-American Development Bank

ADB

Asian Development Bank

AFDB

African Development Bank

UNDP

United Nations Development Program

Other UN

Other United Nations Program

EEC

European Economic Community

N.B. Assistance totaling less than \$50,000 in any one category is not shown in the tables.



