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U.S. Department of State

Egypt Country Report on Human Rights Practices for 1996

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EGYPT

According to its Constitution, Egypt is a social democracy in which Islam is the state religion. However, the National Democratic Party (NDP), has governed since its establishment in 1978, has used its entrenched position to dominate national politics, and maintains a wide majority in the popularly elected People's Assembly and the partially elected Shura (Consultative) Council. The President, Hosni Mubarak, was reelected unopposed to a third 6-year term by the People's Assembly in 1993. The President appoints the Cabinet, which is responsible to him. The judiciary is independent.

There are several security services in the Ministry of Interior, two of which are primarily involved in combating terrorism: The State Security Investigations Sector (SSIS), which conducts investigations and interrogates detainees; and the Central Security Force (CSF), which enforces curfews and bans on public demonstrations, and conducts paramilitary operations against terrorists. The use of violence by security forces in the campaign against terrorists appeared more limited this year than in previous years. The security forces committed numerous serious human rights abuses.

Egypt continued to move from a command economy to a free market system. Manufacturing is still dominated by the public sector. The Government began accelerating its privatization program during the year. Agriculture remains the largest employer in the economy and is almost entirely in private hands. Transfers and remittances from approximately 2 million Egyptians working abroad are the largest source of foreign currency earnings. In 1995 tourism surpassed petroleum as the second largest hard currency earner and preliminary data for 1996 suggest a continued strong rebound of the tourism sector. In the past 5 years, the Government has enacted significant economic reforms, which have reduced the budget

deficit, stabilized the exchange rate, reduced inflation and interest rates significantly, and built up substantial reserves. The success of the reform efforts has resulted in an increase in annual economic growth rates to 4.8 percent for fiscal year 1995-96 and 5.1 percent estimated for fiscal year 1996-97.

The Government continued to commit numerous serious abuses, although its human rights record improved somewhat over the past year. The Emergency Law, which has been in effect since 1981, continues to restrict many basic rights. The ruling NDP dominates the political scene to such an extent that citizens do not have a meaningful ability to change their government. The security forces and terrorist groups remained locked in a cycle of violence. In fighting the terrorists, the security forces continue to mistreat and torture prisoners, arbitrarily arrest and detain persons, hold detainees in prolonged pretrial detention, and occasionally engage in mass arrests. Aside from the antiterrorist campaign, local police abused common criminal suspects. However, security forces committed fewer abuses than in the previous year. The Government took disciplinary action against police officers accused of abusing detainees, but did not pursue most cases or seek adequate punishments. Prison conditions are poor.

The use of military courts to try civilians continues to infringe on a defendant's right to a fair trial before an independent judiciary. The Government again tried members of the Muslim Brotherhood in military courts on charges of illegal political activities, continuing to expand the jurisdiction of the military courts beyond terrorism-related offenses. The Government used the emergency law to infringe on citizens' privacy rights. Although citizens generally express themselves freely, the Government continues to place significant limitations on freedom of the press. Some of the harsher penalties of the 1995 press law were suspended; however, state prosecutors brought libel charges, some under the old law, against several journalists for criticizing corruption and abuse of authority among government officials and their families. The Government restricts freedom of assembly and association, and does not legally recognize local human rights groups, but which are allowed to operate openly. The Government places limits on the freedom of religion.

Women and Christians face discrimination based on tradition and some aspects of the law. Terrorist violence against Christians was a problem. Violence against women is a problem. Worker rights are not adequately protected. A new child labor law increases protections for children, but child labor remains widespread despite the government's efforts to eradicate it. Abuse by employers continues, and stricter government enforcement of the law is necessary. In a significant breakthrough, the Government issued a decree banning the practice of female genital mutilation (FGM), developed a program to address the problem, and increased efforts to educate the public as to its dangers.

Terrorists committed numerous serious abuses. Terrorist groups seeking to overthrow the Government and establish an Islamic state continued their attacks on police, Coptic Christians, and tourists. In April terrorists killed a group of 18 Greek tourists in Cairo; 13 Greeks and 2 Egyptians were wounded. Terrorists groups were responsible for the majority of the 132 civilian and police deaths, and committed bank and jewelry store robberies to get funds. They also attacked police, a train, and riverboats, mostly in upper (southern) Egypt.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were no reports of political killings by government officials; however, extrajudicial killings may

have occurred in certain antiterrorist operations.

There were no total figures for deaths in custody from government or human rights sources by year's end. Human rights groups were investigating eight deaths in police custody, six of which they believed were due to medical negligence, one to suicide, and one as a result of a beating or being tortured to death. They are also investigating 13 prison deaths related to medical negligence (see Section 1.c.).

In antiterrorist operations, the security forces killed 34 suspected terrorists; there were no reports of excessive use of lethal force. At least one civilian bystander was reported killed inadvertently by security forces. No suspects died while attempting to escape arrest. There were no reports of killings of relatives of suspected extremists in apparent vendettas.

The case against a policeman charged with torture and use of excessive force in the 1994 death of a detainee remained pending (see Section 1.c.).

In January state prosecutors ruled in the case of the 1994 death in custody of Amre Mohamed Safwat that there was no felony case. The prosecutors, however, ordered a reprimand for the head of the Ain Shams Cairo police station and the director of the hospital involved for violating the rules of admission to the hospital. An appeal by the family is currently under investigation by the Technical (Human Rights) Office of the Ministry of Justice. There were no new developments in the case of Mohammed Abdel Hamid Hassan, who reportedly died in police custody in 1994.

Terrorist groups were responsible for the majority of the deaths in civil unrest. They killed 132 persons, compared with 200 in 1995. This total included 48 police and security officers as well as 84 civilians. Terrorist attacks directed specifically against Coptic Christians continued, killing at least 22, including a group of 8 in Assiyut in February. They also attacked churches and other properties owned by Christians. In April four gunmen belonging to the extremist Islamic group Al-Gamma'a Al-Islamiyya attacked a group of Greek tourists at the entrance to the Europa Hotel near the pyramids. The terrorists killed 18 of the visitors, and wounded 13 other tourists and 2 Egyptians before escaping. Terrorists also attacked a passenger train in Minya in January and were involved in a number of bank and jewelry store robberies, mostly in upper Egypt. While the Europa Hotel attack brought the largest casualty count from a single incident in Egypt's modern history, the total number of deaths from extremist violence was sharply down in 1996 after increasing steadily during the previous 4 years.

b. Disappearance

There were no reports of politically motivated disappearances.

Of the 11 individuals that local human rights groups claimed had disappeared in 1994 and the 1 cited in 1995, 8 have since been located in detention facilities, but 4 remain missing. The Government has not responded to queries from human rights monitors regarding the outstanding cases.

There were no concrete developments in the case of Mansur Kikhya, a former Libyan Foreign Minister and a prominent exiled dissident, who disappeared in Cairo in 1993.

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

The Constitution prohibits the infliction of "physical or moral harm" upon persons who have been arrested or detained. However, abuse and torture of detainees by police, security personnel, and prison guards is common.

Under the Penal Code, torture of a defendant or orders to torture are felonies punishable by temporary hard labor or 3 to 10 years imprisonment. If the defendant dies, the crime is one of intentional murder punishable by a life sentence at hard labor. The crime of arrest without due cause through threat of death or physical torture is punishable by temporary hard labor. The use of cruelty against people by relying on one's position is punishable by imprisonment of no more than 1 year or a fine of no more than \$65.00.

Despite these legal safeguards, there were numerous credible reports of mistreatment and torture by security forces, although fewer than in previous years. Reports of mistreatment and torture at police stations remain frequent.

In a June interview, the Minister of Interior stated that human rights was taught as a subject at the National Police Academy, and that police officers responsible for human rights infractions must be brought to trial and punished or administratively reprimanded in accordance with the law. While the Government has investigated torture complaints in criminal cases and punished some offending officers, the punishments are not in line with the seriousness of the offense. However, government officials have stated that administrative punishments can be severe enough to prevent further career advancement, and that some police officers have opted to face criminal charges instead. The Government has said that it will not disclose further details of individual cases of police abuse for fear of harming the morale of law enforcement officers involved in counterterrorist operations.

Reports of torture on the part of the SSIS dropped during the year. However, torture has reportedly taken place in police stations; SSIS offices, including its headquarters in Cairo; and at Central Security Force camps. Torture victims usually are taken to a SSIS office where they are handcuffed, blindfolded, and questioned about their associations, religious beliefs, and political views. Torture is used to extract information, coerce the victims to end their antigovernment activities, and deter others from such activities. While the law requires security authorities to keep written records of detained citizens, human rights groups report that such records often are not available, not found, or the police deny any knowledge of the detainee when they inquire about specific cases, effectively blocking the investigation of torture complaints.

Egyptian human rights groups and victims report a number of torture methods. Detainees are frequently stripped to their underwear; hung by their wrists with their feet touching the floor or forced to stand for prolonged periods; doused with hot and cold water; beaten; forced to stand outdoors in cold weather; and subjected to electric shocks. Some victims, including female detainees, report that they have been threatened with rape.

In late 1994, public prosecutors charged a policeman with torture, unlawful detention, illegal entry, and excessive use of force in the case of Fateh Al-Bab Abdel Moneim who died in police custody in 1994. At year's end, the case remained pending before the south Cairo Criminal Court.

In early 1995, the Public Prosecutor's office began an investigation into the case of Gamal El-Shazly, who allegedly had been tortured in December 1994, in a police station in Manshayit Nasser, a poor district of Cairo. The case remains under investigation.

Prison conditions remain poor. Despite the completion of five new prisons in 1995, human rights groups report that overcrowding and unhealthy conditions continue. The use of torture and other mistreatment, lack of medical care, the banning of visits, and substandard living conditions are reportedly common. Prisoners have claimed that their cells are poorly ventilated, their food is inadequate in quantity and nutritional value, and medical services are often unavailable. Health conditions in the High Security Prison ("The Scorpion") at Tora reportedly include widespread tuberculosis among the inmates. At the

same prison, in June, 40 inmates were ordered to strip and were flogged, after 3 contraband items were found during an inspection of the prison. Human rights groups are investigating 13 prison deaths related to medical negligence.

Prisoners at two high security prisons, the New Valley Prison and Torah Prison, reported receiving physical and psychological abuse known as a "reception party" upon their arrival at prison. Under the supervision of a prison official and doctor, guards reportedly beat new arrivals for 30 minutes with fists and heavy plastic sticks. The inmates are then forced to crawl to their cells on their hands and knees.

The Ministry of Interior stated that the ban on prison visits by relatives and lawyers at a number of prisons, including Fayyom and the High Security Prison, has been lifted. Human rights groups report, however, that visits have been refused at several prisons. At others, restrictions have been placed on visits to political or extremist prisoners, limiting the number of visits allowed each prisoner, and the number of visitors allowed in the prison at any one time. Human rights monitors are allowed to visit prisoners, but often face considerable bureaucratic obstacles before obtaining the proper paperwork.

d. Arbitrary Arrest, Detention, or Exile

As part of the Government's antiterrorist campaign, security forces conducted mass arrests and detained hundreds of individuals without charge after specific terrorist incidents. Under the provisions of the Emergency Law, which has been in effect since 1981, the police may obtain an arrest warrant from the Ministry of Interior upon showing that an individual poses a danger to security and public order. This procedure nullifies the constitutional requirement of obtaining a warrant from a judge or prosecutor upon showing that an individual has likely committed a specific crime.

The Emergency Law allows authorities to detain an individual without charge. After 30 days, a detainee has the right to demand a court hearing to challenge the legality of the detention order, and may resubmit his motion for a hearing at 1-month intervals thereafter. There is no maximum limit to the length of detention if the judge continues to uphold the legality of the detention order, or if the detainee fails to exercise his right to a hearing.

In addition to the Emergency Law, the Penal Code also gives the State wide detention powers. Under the code, prosecutors must bring charges within 24 hours or release the suspect. However, they may detain a suspect for a maximum of 6 months, pending investigation. Arrests under the Penal Code occur openly and with warrants issued by a district prosecutor or judge. There is a system of bail. The Penal Code contains several provisions to combat extremist violence. These provisions broadly define terrorism to include the acts of "spreading panic" and "obstructing the work of authorities."

Human rights groups reported that hundreds, and according to one report, thousands, of people detained under the Emergency Law have been incarcerated for up to several years without charge. The courts have ordered the release of a number of these detainees, but prison officials have reportedly ignored the orders. Frequently, the Ministry of Interior reissues detention orders, sending detainees back to prison.

In March the Government lifted a 2-year dusk-to-dawn curfew on Mallawi and several surrounding villages in Minya province.

During the year, security forces and police arrested at least 120 members of the Muslim Brotherhood (an Islamist opposition organization) as well as 200 members of a new group, the Qutbiyoun, described as an offshoot of the Brotherhood. The charges ranged from inciting the masses against the Government, to distributing illegal leaflets and membership in an illegal organization. An undetermined number of

Muslim Brothers were brought to trial during the year (see Section 1.e.).

Neither the Government nor human rights groups were able to provide firm figures for the total prison population. One human rights group cited a government figure of 12,000 registered and serving sentences, but provided a rough estimate of 32,000 for the total prison population, including those being held pending sentencing. However, in a June interview in the weekly magazine *Al-Wasat*, Interior Minister Hasan Al-Alfy asserted that the number of political detainees was considerably less than 10,000. The Minister also noted that 1,600 repentant convicted terrorists had been released during the previous few months.

The Government does not use forced exile.

e. Denial of Fair Public Trial

The judiciary is independent. The Constitution provides for the independence and immunity of judges, and forbids interference by other authorities in the exercise of their judicial functions. The President appoints all judges upon recommendation of the Higher Judicial Council, a constitutional body composed of senior judges, and chaired by the President of the Court of Cassation. The Council regulates judicial promotions and transfers. In the last few years, the Government has added lectures on human rights and other social issues to its training courses for prosecutors and judges.

There are three levels of regular criminal courts: Primary courts; appeals courts; and the Court of Cassation, the final stage of criminal appeal. The judicial system is based on the Napoleonic tradition; hence there are no juries. Misdemeanors, that are punishable by imprisonment, are heard at the first level by one judge; at the second level by three judges. Felonies, that are punishable by imprisonment or execution, are heard in criminal court by three judges. Contestations of rulings are heard by the Court of Cassation. A lawyer will be appointed at the court's expense if the defendant does not have one. The appointment of lawyers is based on a roster chosen by the Bar Association; however, expenses are incurred by the State. Any denial of this right is cause for contestation of the ruling. However, detainees in certain high-security prisons alleged that they were denied access to counsel, or that such access was delayed until trial, thus denying counsel the time to prepare an adequate defense.

Defense lawyers generally agree that the regular judiciary respects the rights of the accused and exercises its independence. In the past, criminal court judges have dismissed cases where confessions were obtained by coercion. However, while the judiciary generally is credited with conducting fair trials, under the Emergency Law, cases involving terrorism and national security may be tried in military or state security courts, in which the accused do not receive all the constitutional protections of the judicial system. The majority of terrorist cases were again referred to Supreme State Security Emergency courts this year. High-profile cases involving Muslim Brotherhood members and a large number of terrorists went to military courts.

In the past, human rights groups and defense lawyers have claimed that the Government intimidated lawyers representing terrorist suspects by detaining and questioning them on the activities of their clients. There were no such reports during the year.

The use of military and state security tribunals under the Emergency Law has deprived hundreds of civilian defendants of their constitutional right to be tried by an ordinary judge. In 1992, with extremist violence on the rise, the Government began trying cases of persons accused of terrorism and membership in terrorist groups before military tribunals. In 1993 the Supreme Constitutional Court ruled that the President may invoke the Emergency Law to refer any crime to a military court.

From January to December, the Government referred approximately 66 civilian defendants to the military courts in five separate cases.

During the year security forces detained 13 members of the Muslim Brotherhood on suspicion of engaging in illegal political activities. The Government referred the Muslim Brotherhood detainees to trial in a military court on charges of membership in an illegal organization, maintaining links to terrorists, and planning to overthrow the Government. In an August decision, the court acquitted five. The remainder were found guilty of the charges--seven were sentenced to from 7 months' to 3 years' imprisonment, and 1 to a suspended 1 year prison term (for health reasons).

In January 24 defendants accused of involvement in terrorist plots were brought to trial before a military court. The court acquitted six, sentenced six others to death, and sentenced the remainder to prison terms ranging from 3 to 15 years.

In November a higher military court in Assiyut handed down verdicts on 10 defendants accused of infiltrating Egypt and attempting to smuggle and sell weapons to terrorists. The court acquitted 3 defendants, sentenced 4 to life imprisonment at hard labor, and the remaining 3 to prison terms ranging from 10 to 15 years.

Two trials of 19 defendants from the Islamic Group opened in December at a supreme military court in Cairo. The first trial involved 3 defendants accused of attempting to assassinate the Military Prosecutor in 1993. In the second trial, 19 defendants, including the 3 defendants in the first trial as well as 16 others, are accused of killing a policeman, assaulting persons at two movie theaters in Helwan, and wounding 16 persons, including 8 tourists, during an attack on a tourist bus in Cairo in 1994.

In response to an appeal, the Supreme Court, as it did in 1993, found that the President may invoke the emergency law to refer any crime to a military court.

The Government defends the use of military courts as necessary in terrorism cases, maintaining that trials in the civilian courts are protracted, and that civilian judges and their families are vulnerable to terrorist threats. Some civilian judges have confirmed that they fear trying high-visibility terrorism cases because of possible reprisals. The Government claims that civilian defendants receive fair trials in the military courts and enjoy the same rights as defendants in civilian courts.

However, the military courts do not guarantee civilian defendants due process before an independent tribunal. While military judges are lawyers, they are also military officers appointed by the Minister of Defense and subject to military discipline. They are not as independent as civilian judges in applying the civilian Penal Code. There is no appellate process for verdicts by military courts; instead, verdicts are subject to review by other military judges and confirmed by the President, who in practice usually delegates the review function to a senior military officer. Defense attorneys have complained that they have not been given sufficient time to prepare defenses and that judges tend to rush cases with many defendants.

The state security courts share jurisdiction with military courts over crimes affecting national security. The President appoints judges to these courts from the civilian judiciary upon the recommendation of the Minister of Justice and, if he chooses to appoint military judges, the Minister of Defense. Sentences are subject to confirmation by the President but cannot be appealed. The President may alter or annul the decision of a state security court, including a decision to release a defendant. In 1996 state security courts tried at least 9 cases involving over 175 defendants charged with terrorist acts.

There are no reliable statistics on the number of political prisoners.

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

Under the Constitution, homes, correspondence, telephone calls, and other means of communication "shall have their own sanctity, and their secrecy shall be guaranteed." Police must obtain warrants before undertaking searches and wiretaps. Courts have dismissed cases in which warrants were issued without sufficient cause. Police officials who conduct searches without proper warrants are subject to criminal penalties, although these are seldom imposed.

However, the Emergency Law has abridged the constitutional provisions regarding the right to privacy. The law empowers the Government to place wiretaps, intercept mail, and search persons or places without warrants. Security agencies frequently place political activists, suspected subversives, journalists, foreigners, and writers under surveillance, screen their correspondence (especially international mail), search them and their homes, and confiscate personal property.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and the press, however, the Government continues to place limitations on these rights. Citizens openly speak their views on a wide range of political and social issues, including vigorous criticism of the Government.

The Government owns stock in the three largest daily newspapers and the President appoints their editors in chief and chairmen of the board. However, although these papers generally follow the Government line, they frequently criticize government policies. The Government also enjoys a monopoly on the printing and distribution of newspapers including the opposition parties' papers. The Government has been known to use its monopolistic control of newsprint to limit output of opposition publications.

Opposition political parties publish their own papers but receive a subsidy from the Government and, in some cases, subsidies from foreign interests as well. Most are weeklies, with the exception of the centrist daily *Al Wafd*, the daily *Al-Ahrar*, and *Al-Shaab*, the semiweekly of the Islamist-oriented Socialist Labor Party. All have small circulations. Opposition newspapers frequently publish criticism of the Government, inspiring rejoinders from the government-owned press. They also give greater prominence to human rights abuses than the state-run newspapers. All party newspapers are required by law to reflect the platform of their party.

The Penal Code, Law 93 of 1995, the Press Authority Law, and the Publications Law govern press issues. The laws stipulate substantial fines for criticism of the President, members of the Government, and foreign heads of state. The Constitution restricts ownership of newspapers to public or private legal entities, corporate bodies, and political parties. However, there are numerous restrictions on legal entities that wish to establish their own newspapers. Papers published outside Egypt can be distributed with government permission.

Libel laws provide protection against malicious rumor-mongering and unsubstantiated reporting. Jail terms may be imposed. Financial penalties increased substantially under Law 93 of 1995, although the judicial process remains long and costly, creating a bar to realistic legal recourse for those wrongly defamed. In recent years, opposition party newspapers have, within limits, published articles critical of

the President and foreign heads of state without being charged or harassed. Most cases involving the press are brought by the Government, usually involving rumors or charges of corruption against members of the families of government officials. On several occasions in 1996, the Government detained and interrogated editors and journalists for publishing allegations of official misconduct and corruption.

In June 1995, an amendment to Law 93 was passed, stiffening penalties for and broadening the definition of criminal libel. Following a series of protests by the press syndicate, and a direct appeal to President Mubarak, he set aside this amendment in June. However, the Government continues to prosecute journalists under the law in effect at the time charges were filed. The process of determining whether the applicable sections of the law have been set aside is time-consuming and expensive. Approximately 42 journalists are in various stages of prosecution under Law 93.

In July a court sentenced Magdy Ahmad Hussein, editor of the Islamic fundamentalist newspaper Al-Shaab, to a 1-year suspended sentence for libeling the son of Interior Minister Hassan Alfi. He was also ordered to pay a fine of

15,000 Egyptian pounds.

Various ministries are legally authorized to ban or confiscate books and other works of art, upon obtaining a court order. The Islamic Research Institute at Al-Azhar University has legal authority to censor, but not to confiscate, all publications dealing with the Koran and Islamic scriptural texts. In recent years the Institute has passed judgment on the suitability of nonreligious books and artistic productions.

In January 1995, an administrative court ruled that the sole authority to prohibit publication or distribution of books and other works of art resides with the Ministry of Culture. This decision voided a 1994 advisory opinion by a judiciary council that had expanded Al-Azhar's censorship authority to include visual and audio artistic works. The same year, President Mubarak stated that the Government would not allow confiscation of books from the market without a court order, a position supported by the then-Grand Mufti, who is now the Grand Sheik of Al-Azhar.

There were no court ordered confiscations during the year. However, two books were seized by police in June without a court order, after officials at Al-Azhar ruled that they should be banned for violating religious laws and norms. In August the police also seized five books on Shi'a Islam from Cairo bookstores, without a court order.

The Ministry of Interior regularly confiscates leaflets and other works by Muslim fundamentalists. It also has the authority to stop specific issues of foreign published newspapers from entering the country on the grounds of protecting public order. The Ministry of Defense may ban works about sensitive security issues.

The Council of Ministers may order the banning of works that it deems offensive to public morals, detrimental to religion, or likely to cause a breach of the peace.

Plays and films must pass Ministry of Culture censorship tests as scripts and as final productions. Many plays and films, highly critical of the Government and its policies, are not censored. The Ministry of Culture also censors foreign films for viewing in theaters, but it is more lenient when the same films are released in video cassette format. Government censors ensure that foreign films made in Egypt portray the country in a favorable light. Censors review scripts before filming, are present during filming, and

have the right to review the film before it is sent out of Egypt.

Two films are currently in the courts. "The Emigrant" was banned this year after a long court case, but the decision is under appeal. A group of Islamic lawyers had brought the case in 1994, arguing that it violated Islamic tenets in its portrayal of the life of the Prophet Joseph. Despite the court case, the film has represented Egypt in several international festivals. The second case is against the film "Birds of Darkness," the plaintiffs charging that it is insulting to lawyers. The case is still pending.

The Ministry of Information owns and operates all domestic television productions. In the past, it has censored serious artistic works that criticized the Government or dealt with social problems from a nongovernmental perspective. The Ministry also censored nine articles of the English language weekly, The Middle East Times, during the year. Two of the articles had contained allegations of human rights violations. According to the editor, in October an issue of the newspaper al-Dustuur was confiscated because of previously published criticism of the Israeli Government.

Moderate Muslims and secularist writers continue to find themselves under attack by Islamic extremists.

In August the Court of Cassation, Egypt's highest court of appeal, supported a 1995 lower court ruling against Cairo University professor Nasr Abu Zeid. In 1993 Islamic fundamentalist lawyers had asked the courts to rule that Abu Zeid was an apostate because of his controversial interpretation of Koranic teachings. The petitioners argued that as an apostate, Abu Zeid should not be allowed to remain married to a Muslim woman in a Muslim country. After a lower court threw out this suit, an appellate court in June 1995 gave the plaintiffs standing to pursue their suit. Jurists and secular intellectuals criticized the court's decision as an infringement on the principle of privacy and freedom of expression.

The Government had joined Abu Zeid in his appeal, and the People's Assembly passed two laws during the year designed to derail other such lawsuits. The Hisba Law, ratified by the Assembly in late January, limits cases by third parties "on behalf of society." The Assembly also approved in May amendments to an article of the Law for Civil and Commercial Procedures requiring the direct personal involvement of the plaintiff prior to the filing of suits.

In its decision, the Court of Cassation, which rules on legal technicalities rather than the case itself, noted that the Hisba Law and Law 81 were issued after final arguments were made by the plaintiffs and the defense, and that the case and the lower court ruling were legally valid. Abu Zeid's defense team has filed for a reconsideration by the Court of Cassation, citing major mistakes in the decision against Abu Zeid, including the Court's ignoring of the Hisba Law and Law 81. In September a lower court judge stayed the execution of the decision against Abu Zeid pending the outcome of the reconsideration by the Court of Cassation. Meanwhile, Abu Zeid and his wife are residing together abroad. In December a Giza court of appeal upheld their stay.

In another Hisba case, a Cairo criminal court ruled against and fined two lawyers who brought a case against the actress Youssra and a magazine for printing an allegedly indecent picture of her on the cover.

The Government does not directly restrict academic freedom at universities. However, some university professors claim that the Government tightened its control over universities in 1994 when a law was passed authorizing university presidents to appoint the deans of the various faculties. Under the previous law, faculty deans were elected by their peers. The Government has justified the measure as a means to combat Islamist influence on campus.

b. Freedom of Peaceful Assembly and Association

The Government continues to maintain substantial restrictions on freedom of assembly. Under a 1923 law, citizens must obtain approval from the Ministry of Interior before holding public meetings, rallies, and protest marches. Permits are generally granted for rallies held indoors or on university campuses.

The Government continues to maintain substantial restrictions on freedom of association. Under Law 32 of 1964, the Ministry of Social Affairs has extensive authority over associations and private foundations, including the right to license and dissolve them, confiscate their properties, appoint members to their boards, and intercede in other administrative matters. Licenses may be revoked if such organizations engage in political or religious activities. The law authorizes the Ministry to "merge two or more associations to achieve a similar function," a provision that may be used to merge an undesirable organization out of existence.

Since 1985 the Government has refused under Law 32 to license the Egyptian Organization for Human Rights (EOHR) and the Arab Organization for Human Rights (AOHR) on grounds that they are political organizations. Nevertheless, both continue to operate openly (see Section 4). Amnesty International, which had a petition pending for legal status for its local office, closed its local office this year for internal reasons.

Under 1993 legislation on professional syndicates, an association must elect its governing board by at least 50 percent of its general membership. Failing a quorum, a second election must be held in which at least 33 percent of the membership votes for the board. If such a quorum is impossible, the judiciary may appoint a caretaker board until new elections can be set. The law was adopted to prevent well-organized minorities, specifically Islamists, from capturing or retaining the leadership of professional syndicates. Members of these syndicates have reported that Islamists have used such irregular electoral techniques as physically blocking polling places, and limiting or changing the location of polling sites.

c. Freedom of Religion

The Constitution provides for freedom of belief and the practice of religious rites. However, the Government places clear restrictions on this right. Most Egyptians are Muslim, but at least 10 per cent of the population, 5.7 million people, belong to the Coptic Orthodox Church, the largest Christian minority in the Middle East. There are other small Christian denominations, as well as a Jewish community numbering fewer than 50 individuals.

For the most part, members of the non-Muslim minority worship without harassment and maintain links with coreligionists abroad. Under the Constitution, however, Islam is the official state religion and primary source of legislation. Accordingly, religious practices that conflict with Islamic law are prohibited. While technically proselytizing is not a crime, Christians have been arrested on charges of ridiculing or insulting heavenly religions and/or inciting secular strife. At least one Christian was detained in 1996 on charges of ridiculing or insulting heavenly religions and/or inciting secular strife.

There are no restrictions on non-Muslims converting to Islam. However, Muslims face legal problems if they convert to another faith. Authorities have charged a few converts to Christianity under provisions the Penal Code that prohibit the use of religion to "ignite strife, degrade any of the heavenly religions or harm national unity or social peace." In other cases, authorities have charged such persons with violating laws against falsifying documents, since Muslim converts to Christianity sometimes attempt to change their names and religious affiliation on their identification cards and other official documentation to reflect their conversion. These laws were upheld in a 1980 court decision. There were no confirmed reports of individuals detained during the year under these laws.

There were credible reports that state security officers in Cairo detained, interrogated, and, in at least two cases, physically abused several Christians and converts to Christianity, in an effort to obtain information about the identities and activities of other converts.

An 1856 Ottoman Decree still in force requires non-Muslims to obtain what is now a presidential decree to build or repair a place of worship. Coptic Christians maintain that they frequently have been unable to obtain such authorization, that such permits have been delayed, or that they have been blocked by the security forces from using the authorizations that have been issued. Other restrictions of the 1856 Decree were codified in 1934 into a list of 10 provisions that the police and other authorities should investigate prior to issuance of a presidential decree. A local human rights organization brought a legal case during the year requesting the abolition of the Ottoman Decree against Copts, including abolition of the 10 provisions. The case remains before the court.

As a result of these restrictions, some communities use private buildings and apartments for religious services. Between 1992 and 1995, the situation improved somewhat as the Government has increased the number of building permits issued to Christian communities to an average of more than 20 per year, compared to the average of 5 permits issued annually in the 1980's. During the year, the Government issued 10 permits for the construction of new churches and 8 for repairs and reconstruction. While Christian and Muslim reformers urge the abolition of the Ottoman Decree, Islamists who oppose the spread of Christianity in Egypt defend the building restrictions.

In 1994 the Alexandria government closed two buildings near the city that had been used by Coptic Evangelical Christians since 1990 for church activities. The Government claims that the church lacked a building permit. Lawyers for the church point out that the closures violated previous court rulings upholding the right to conduct religious services in private buildings without prior government approval. They also pointed out that the closed buildings were located in an area where unlicensed buildings are common. At year's end, the case remained with an administrative court in Alexandria.

The Government continued its efforts to extend legal controls to all mosques, which by law must be licensed. The Government appoints and pays the salaries of the imams officiating in mosques, and proposes themes for and monitors sermons. Of the country's approximately 70,000 mosques, slightly less than half remain unlicensed and operate outside the control of government authorities. In an effort to combat Islamic extremists, the Government announced that it intended to bring the remaining 30,000 unauthorized mosques under its control during the next 5 years.

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

Citizens and foreigners are free to travel within Egypt except in certain military areas. The Government during the year removed the requirement for most foreigners to register within 7 days of their arrival in Egypt. Males who have not completed compulsory military service may not travel abroad or emigrate, although this restriction can be deferred or bypassed. Unmarried women must have permission from their fathers to obtain passports and travel; married women of any age require the same permission from their husbands. Citizens who leave the country have the right to return.

In recent years, the Government has denied permission to a small number of Christian converts from Islam to travel abroad. In October 1994, security officials arrested Ibrahim Sharaf Al Din, an Egyptian convert, at Cairo Airport as he attempted to enter Egypt from Kenya, where he had been granted asylum and resided with his family since the early 1980's. Sharaf Al Din was imprisoned for 8 months while prosecutors investigated the circumstances of his conversion. He was released without charge in June 1995. However, according to a local human rights group, in order to leave Egypt he is required to file a

lawsuit in order to obtain a court order that indicates that he is not banned from leaving the country.

The Constitution forbids the deportation of citizens and aliens granted political asylum. Egypt grants first asylum for humanitarian reasons or in the event of internal turmoil in neighboring countries. Asylum seekers generally are screened by representatives of the United Nations High Commissioner for Refugees (UNHCR), whose recommendations regarding settlement are forwarded to the Ministries of Interior and Foreign Affairs for final determination. Refugees accepted by the Government are permitted to live and work, but cannot acquire Egyptian citizenship, with rare exceptions. During the year, the Government accepted over 6,000 refugees, including 3,000 Somalis and 1,400 Sudanese, for temporary resettlement.

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

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

In 1993 President Hosni Mubarak was elected unopposed to a third 6-year term by the People's Assembly. In October of that year, his reelection was approved by 96 percent of the voters in a national referendum. Under the Constitution, the electorate is not presented with a choice among competing presidential candidates. Two opposition parties urged the public to boycott the referendum, and two other parties urged the public to vote against the President. The other opposition parties endorsed the President's candidacy.

Over 100 losing candidates in the fall 1995 legislative elections filed complaints in the administrative courts, alleging ballot-rigging and other irregularities. The courts agreed with most of these claims, but while the courts have the authority to rule on whether irregularities took place, they may not remove an elected Member of the Assembly, a right that the Assembly claims solely for itself, under the concept of parliamentary sovereignty. To date the Assembly has not called for any new by-elections to cover these cases.

The Assembly debates government proposals, and members exercise their authority to call cabinet ministers to explain policy. The executive initiates almost all legislation. Nevertheless, the Assembly maintains the authority to challenge or restrain the executive in the areas of economic and social policy, but it may not modify the budget except with the Government's approval. The Assembly exercises limited influence in the areas of security and foreign policy, and there is little oversight of the Interior Ministry's use of Emergency Law powers. Many executive branch initiatives and policies are carried out by regulation through ministerial decree without legislative oversight. The military budget is prepared by the executive and not debated publicly. Roll-call votes in the Assembly are rare. Votes are generally reported in aggregate terms of yeas and nays, and thus constituents have no independent method of checking a member's voting record.

There are 15 recognized opposition parties. The law empowers the Government to bring felony charges against those who form a party without a license. New parties must be approved by the Parties Committee, a semi-official body including a substantial majority of members from the ruling NDP and some members from among the independents and opposition parties. Decisions of the Parties Committee may be appealed to the civil courts. The Parties Committee rejected the applications of at least four new parties this year; those applications and several from last year are before the courts for review.

According to the law, which prohibits political parties based on religion, the Muslim Brotherhood is an illegal political organization. Muslim Brothers are publicly known and openly speak their views, but have come under increasing pressure from the Government (see Sections 1.d. and 1.e.). Some have served in the Assembly as independents or as members of other recognized parties.

Women and minorities are underrepresented in government and politics. The Constitution reserves 10 Assembly seats for presidential appointees, which the President traditionally has used to assure representation for women and Coptic Christians. Five women and no Copts were elected in 1995; of the 10 presidential appointments, 6 were Copts and 4 were women. The ruling NDP nominated no Coptic candidates in the 1995 parliamentary election. Three women and two Coptic Christians are in the Cabinet.

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

The Government refuses to license local human rights groups as private entities under Law 32 of 1964 (see section 2.b.). Since 1986 the Government has refused to license the Egyptian Organization for Human Rights (EOHR) on grounds that it is a political organization and duplicates the activities of an existing, although moribund, human rights group (see Section 2.b.). The EOHR has appealed the denial in the courts, and continues to conduct activities openly, pending a final judicial determination of its status.

The Arab Organization for Human Rights, EOHR's parent organization, has a long-standing request for registration as a foreign organization with the Ministry of Foreign Affairs. The issue remains pending.

A request by Amnesty International for legal status for its local chapter had been pending with the Ministry of Foreign Affairs for 6 years, until the office was closed for internal reasons. In the meantime it was allowed to conduct limited activities.

Despite their nonrecognition, the EOHR and other groups sometimes enjoy the cooperation of government officials. The Government allows EOHR field workers to visit prisons, to call on some government officials, and to receive funding from foreign human rights organizations. Representatives from EOHR met this year with Speaker of the Assembly Fathy Sorour. The Ministry of Foreign Affairs facilitated entry into the country for Africans in a training seminar held by EOHR, and the Supreme Constitutional Court cosponsored a seminar on human rights.

There were no reports during the year that the Government banned meetings of human rights groups, although the Government has on occasion made the holding of such meetings difficult. Some human rights organizations have found requests for conference space turned down for "security reasons" or reservations later canceled for "maintenance reasons."

Other human rights organizations, such as the Center for Human Rights Legal Aid, are registered with the Government as corporations under commercial or civil law, thus avoiding the obstacles posed by law (see Section 2.b.)

In 1995 the Ministry of Justice issued a nonbinding advisory ruling stating that such organizations properly should be considered nongovernmental organizations as defined by Law 32 and registered accordingly, or face punitive action. However, the Government did not close down any group during the year.

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

The Constitution provides for equality of the sexes and equal treatment of non-Muslims, but aspects of the law and many traditional practices discriminate against women and Christians.

Women

Family violence against women occurs and is reflected in press accounts of specific incidents. According to recent statistics, one out of every three women who have ever been married has been beaten at least once during marriage. Among those who have been beaten, less than half have ever sought help. In general neighbors and extended family members intervene to limit incidents of domestic violence. Abuse within the family is rarely discussed publicly, owing to the value attached to privacy in this traditional society. Several nongovernmental organizations have begun offering counseling, legal aid, and other services to women who are victims of domestic violence. "Honor killings" are not prevalent, but when they do occur, the punishment is generally lighter than in other cases of murder.

The law provides for equality of the sexes, but aspects of the law and many traditional practices discriminate against women. By law unmarried women under 21 must have permission from their fathers to obtain passports and travel; married women of any age require the same permission from their husbands (see Section 2.d.). Only males can confer citizenship. In rare cases, this means that children born to Egyptian mothers and stateless fathers are themselves stateless.

Laws affecting marriage and personal status generally correspond to an individual's religion, which is Islam for most Egyptians. A 1979 liberalization of the Family Status Law strengthening a Muslim woman's rights to divorce and child custody was repealed in 1985 after it was found unconstitutional for conflicting with Islamic law. A new marriage contract for Muslim women was proposed in 1995, to replace the current one drafted in 1931. It stipulates premarital negotiations on a wide variety of issues, including the woman's right to work, study and travel abroad, and divorce settlements. Government approval is still pending.

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

Women have employment opportunities in government, medicine, law, academia, the arts, and, to a lesser degree, in business. According to government figures, women constitute 17 percent of private business owners, and occupy 25 percent of the managerial positions in the four major national banks. There are 123 women officers in the Egyptian diplomatic service, including 6 ambassadors and 7 consuls general. There are 3 women state counselors in the administrative court system. However, there are no women state prosecutors or judges in the civil court system. Although there is no legal basis to prohibit female judges, a woman under consideration for promotion to magistrate was denied the promotion on the basis of gender in 1993 and is suing the Government. Social pressure against women pursuing a career is strong, and some women's advocates say that a resurgent Islamic fundamentalist trend limits further gains. Women's rights advocates also point to other discriminatory traditional or cultural attitudes and practices such as female genital mutilation (FGM) and the traditional male relative's role in enforcing chastity and appropriate sexual conduct.

There are a growing number of active women's rights groups working in diverse areas including reforming the Personal Status Code, educating women on their legal rights, combating FGM, and rewriting the marriage contract.

Children

The Government remains committed to the protection of children's welfare within the limits of its budgetary resources. Many of the resources for children's welfare are provided by international donors, especially in the field of child immunization. Child labor is widespread, despite the Government's commitment to eradicate it (see Section 6.d.). The Government provides public education, which is compulsory until the age of 15. In education the Government treats boys and girls equally at all levels of education, although only 74 percent of girls attend school. Literacy rates reflect this disparity: Female literacy is 34 percent, while male literacy is 63 percent.

The Government enacted a new Child Law in March. The law provides for more privileges, protection, and care for children in general. Six of the law's 144 articles set advantageous rules for working children (see Section 6.d.). Other provisions include: Employers to set up or contract with a child care center if they employ more than 100 women; the right of rehabilitation for disabled children; defendants between the ages of 16 and 18 may not be sentenced to capital punishment, hard labor for life, or temporary hard labor; and defendants under the age of 15 may not be placed in preventive custody although the prosecution may order that they be lodged in an "observation house" and be summoned upon request.

In July following the death by hemorrhage of an 11-year-old girl, the Minister of Health and Population issued a decree calling for an end to the practice of FGM and prohibiting its performance by nonmedical and medical practitioners. FGM is widely condemned by international health experts as damaging to both physical and psychological health. Statistics on the prevalence of FGM vary, but Government and private sources agree it is common. A recent study places the percentage of Egyptian women who have undergone FGM at 97 percent. The act is generally performed on girls between the ages of 7 and 10, probably with equal prevalence among Muslims and Coptic Christians. The Government broadcasts television programs condemning the practice, and a number of NGO's work actively to educate the public of the health hazards attached to the practice. A discussion of FGM and its dangers is being added to the curriculum at medical schools and in training courses given to traditional birth attendants. The new Sheik of Al-Azhar, the senior Muslim leader in the country, has stated that FGM is not required by Islamic tenets. However, despite strong government efforts to eradicate it, it is unlikely that the practice will disappear quickly due to traditional and family pressures.

People with Disabilities

There are approximately 5.7 million disabled persons, of whom 1.5 million are severely disabled. The Government makes serious efforts to address their rights. It works closely with United Nations agencies and other international aid donors to design job-training programs for the disabled. The Government also seeks to increase the public's awareness of the capabilities of the disabled by using television programming, the print media, and educational material in public schools. By law, all businesses must designate 5 percent of their jobs for the disabled, who are exempt from normal literacy requirements. Although there is no legislation mandating access to public accommodations and transportation, the disabled may ride government-owned mass transit buses without charge, are given priority in obtaining telephones, and receive reductions on customs duties for private vehicles.

Religious Minorities

The Constitution provides that all citizens are equal before the law and prohibits discrimination based on religion. For the most part these constitutional protections are upheld by the Government. However, discrimination against Christians still exist.

The approximately 5.7 million Coptic Christians are the objects of occasional violent assaults by Muslim extremists. During the year, extremists were responsible for killing at least 22 Copts, most in the Minya and Assiuyut governorates in upper Egypt, where about 30 to 40 percent of the inhabitants are Christian. Acts of violence also were reported against churches and Copt-owned businesses; some carried out by extremists, but others committed by ordinary citizens. Rumors of church repairs or building without permits occasionally resulted in anti-Christian rioting by citizens. In one incident in the delta village of Kafr Demyan, local newspapers reported that the rioters were incited by Muslim preachers who utilized mosque loudspeakers to call for retaliation against the perceived violations.

Some Christians have complained that the Government is lax in protecting Coptic lives and property. Security forces arrest extremists who perpetrate violence against Copts, but some members of the Coptic community do not believe that the Government is vigorous in its efforts to prevent attacks and does little to correct nonviolent forms of discrimination, including its own.

There were reports of forced conversions of Coptic children to Islam, but even human rights groups find it extremely difficult to determine the actual degree of compulsion used, as most cases involve a Coptic girl converting to Islam to marry a Muslim boy. According to the Government, the girl in such cases must meet with her family, with her priest, and with the head of her church before she is allowed to convert. However, there are credible reports of government harassment of Christian families attempting to regain custody of their daughters, and of the failure of the authorities to uphold the law that states that a marriage of a girl under 16 is prohibited and between the ages of 16 and 21 is illegal without the approval and presence of her guardian.

Government discriminatory practices include: Suspected statistical underrepresentation of the size of the Christian population; anti-Christian discrimination in education; failure to admit Christians into schools of Arabic studies to become Arabic teachers since the curriculum involves study of the Koran; the production of some Islamic television programs with anti-Christian themes; job discrimination in the public sector--the police, the armed forces, and other government agencies; reported discrimination against Christians in staff appointments at universities; and their underrepresentation in government. There are no Coptic governors and no Copts in the upper ranks of the military, police, or diplomatic service.

Section 6 Worker Rights

a. The Right of Association

Workers may join trade unions but are not required to do so. A union local, or workers' committee, may be formed if 50 employees express a desire to organize. Most union members, about 25 per cent of the labor force, are employed by state-owned enterprises. The law stipulates that "high administrative" officials in government and the public sector may not join unions.

There are 23 industrial unions, all required to belong to the Egyptian Trade Union Federation (ETUF), the sole legally recognized labor federation. The International Labor Organization's Committee of Experts repeatedly has emphasized that a law requiring all trade unions to belong to a single federation infringes on the freedom of association. The Government has shown no sign that it intends to accept the establishment of more than one federation. The ETUF leadership asserts that it actively promotes worker

interests and that there is no need for another federation. ETUF officials have close relations with the NDP, and some are members of the People's Assembly or the Shura Council. They speak vigorously on behalf of worker concerns, but public confrontations between ETUF and the Government are rare. Disputes are more often resolved by consensus behind closed doors.

The labor laws do not adequately provide statutory authorization for the rights to strike and to engage in collective bargaining. Even though the right to strike is not guaranteed, strikes occur. The Government considers strikes a form of public disturbance and hence illegal.

Only a few strikes took place in either the public or private sector during the year, mainly over wage and dismissal questions. No violence was reported in any of the strikes.

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

b. The Right to Organize and Bargain Collectively

Under the law, unions may negotiate work contracts with public sector enterprises if the latter agree to such negotiations, but unions otherwise lack collective bargaining power in the state sector. Under current circumstances, collective bargaining does not exist in any meaningful sense because the Government sets wages, benefits, and job classifications by law. Larger firms in the private sector generally adhere to such government-mandated standards.

Labor law and practice are the same in the export processing zones (EPZ's) as in the rest of the country.

c. Prohibition of Forced or Compulsory Labor

The criminal code authorizes sentences of hard labor for some crimes.

d. Minimum Age for Employment of Children

Under the new Child Law (see Section 5), the minimum age for employment is 14 in non-agricultural work. Provincial governors, with the approval of the Minister of Agriculture, can authorize seasonal work for children between the ages of 12 to 14 years, provided that duties are not hazardous and do not interfere with schooling. Preemployment training for children under the age of 12 is prohibited. It is prohibited for children to work for more than 6 hours a day, including 1 or more breaks totaling at least 1 hour. Children are not to work overtime, during their weekly day off, between 8 pm and 7 am, or more than 4 hours continuously. Education is compulsory until the age of 15.

Ministry of Health figures for 1995 indicate that 2 million children between the ages of 6 and 15 are employed. A 1989 study estimated that perhaps 720,000 children work on farms. However, children also work as apprentices in repair and craft shops, in heavier industries such as brickmaking and textiles, and as workers in leather and carpet-making factories. While local trade unions report that the Ministry of Labor adequately enforces the labor laws in state-owned enterprises, enforcement in the private sector, especially in family-owned enterprises, is lax. Many of these children are abused and overworked by their employers and it is unlikely that the restrictions in the new Child Law will improve their condition without much stricter enforcement on the part of the Government.

e. Acceptable Conditions of Work

For government and public sector employees, the minimum wage is approximately \$25 (84 Egyptian pounds) a month for a 6-day, 42-hour workweek. Base pay is supplemented by a complex system of fringe benefits and bonuses that may double or triple a workers take-home pay. It is doubtful that the average family could survive on a worker's base pay at the minimum wage rate. The minimum wage is also legally binding on the private sector, and larger private companies generally observe it and pay bonuses as well. Smaller firms do not always pay the minimum wage or bonuses.

The Ministry of Labor sets worker health and safety standards, which also apply in the export processing zones, but enforcement and inspection are uneven. The law prohibits employers from maintaining hazardous working conditions, and provides legal recourse for employees who are asked to work in such conditions if they refuse.

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