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U.S. Department of State


TUNISIA

Tunisia is a republic dominated by a single political party. President Zine El-Abidine Ben Ali and his Constitutional Democratic Rally (RCD) party have controlled the Government, including the legislature, since 1987. The President appoints the Prime Minister, the Cabinet, and 23 governors. Four opposition parties hold 19 of the 163 seats in Parliament. The executive branch and the President strongly influence the judiciary.

The police share responsibility for internal security with a paramilitary national guard. The police operate in the capital and a few other cities. In outlying areas, their policing duties are shared with, or ceded to, the national guard. Both forces are under the control of the Minister of Interior and the President. The security forces continued to be responsible for serious human rights abuses.

Tunisia has made substantial progress towards establishing an export-oriented market economy based on manufactured exports, tourism, agriculture, and petroleum. The per capita gross national product for 1998 was approximately $2,200 while real per capita income grew by 5.2 percent. Sixty percent of citizens are in the middle class and enjoy a comfortable standard of living, and the Government reported that 80 percent of households owned their own homes. The country has a high level of literacy, low population growth rates, and wide distribution of basic health care.

The Government's human rights performance was uneven, and it continued to commit some serious abuses. The ability of citizens to change their government has yet to be demonstrated. The ruling RCD party is firmly intertwined with government institutions throughout the country, making it difficult for
opposition parties to compete on a level playing field. Members of the security forces reportedly tortured and physically abused prisoners and detainees; several students arrested in the Government's investigation of illegal Communist Workers Party activities claimed that police and prison guards tortured and beat them. Security forces also monitored the activities of government critics and at times harassed them, their relatives, and associates. Prison conditions reportedly ranged from Spartan to poor. Arbitrary and incommunicado detention continued. The judiciary is subject to executive branch control, and due process rights are not always observed. Human rights activists reported that the Government violated the due process rights of Tunisian Human Rights League (LTDH) vice president Khemais Ksila during his April appeal hearings. The Government infringed on citizens' privacy rights.

The Government continued to impose significant restrictions on freedom of speech and of the press, and journalists practice self-censorship. The Government demonstrated a pattern of intolerance of public criticism, opening criminal investigations against activists Mohamed Moaada, Radhia Nasraoui, and Abdelmajid Sahraoui, and arresting 16 students and labor activists who reportedly criticized government policies. In February the Government convicted former LTDH vice president Khemais Ksila on defamation charges and sentenced him to 3 years in prison and a $900 (1,000 dinar) fine. The Government continued to use the mandatory prescreening of publications and control of advertising revenue as means to discourage newspapers and magazines from publishing material that it deemed undesirable. The Government regularly seized editions of foreign newspapers containing articles that it considered objectionable. However, the Government improved access to the Internet and began broadcasting a monthly public affairs program that permitted citizens to debate issues with government officials. The Government restricts freedom of assembly and association. The Government limits partially the religious freedom of members of the Baha'i faith. The Government does not permit proselytizing. The Government continued to restrict the freedom of movement of government critics and their family members. The Government refused to meet with members of the LTDH and placed serious obstacles in the way of the LTDH's effective operation. The Government reportedly subjected LTDH members and other human rights activists to harassment, interrogation, property loss or damage, and denial of passports. The Government permitted researchers and trial observers from several international human rights groups to work freely and facilitated their access to government officials. The Government continued to demonstrate its strong support for the rights of women and children; however, legal discrimination against women continued to exist in certain areas, such as property and inheritance law, and societal discrimination exists in areas such as employment. Violence against women occurs.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

There were unconfirmed reports that former Islamist prisoner Tijani Dridi died in police custody between August 2 and 7. The Government stated that Dridi died on July 21 from injuries sustained the previous day in a motorcycle collision.

There were no developments in the September 1997 death of Ghezala Hannachi, an elderly woman who, according to human rights activists, died after police used excessive force against her during a search of her home. The Government maintained that Hannachi died of natural causes but did not release the results of the prosecutor's inquiry into her death.

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

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

The Penal Code prohibits the use of torture and other cruel, inhuman, or degrading treatment or punishment; however, security services allegedly used various methods of torture to coerce confessions from detainees. The forms of torture allegedly included electric shock, submersion of the head in water, beatings with hands, sticks, and police batons, cigarette burns, and food and sleep deprivation. Police also reportedly utilized the "rotisserie" method: Stripping prisoners naked, manacaling their wrists behind their ankles, and beating the prisoners while they were suspended from a rod. Human rights activists alleged that police tortured accused Communist Workers Party (PCOT) member Lotfi Hammami in this fashion in April, beating him severely on his genitals. Human rights activists also alleged that Imane Darwiche and Henda Aroua, arrested in a February roundup of 16 students and labor activists on charges of PCOT membership, were tortured and forced to sign confessions that they were not permitted to read (see Sections 2.a., 2.b., 4, and 6). The Government maintained that these charges were unfounded and alleged that the prisoners had not filed complaints with judicial authorities.

In November the U.N. Committee Against Torture noted that although the Government had adopted numerous positive measures to protect and promote human rights, the Committee had "concerns with regard to the difference between the law and its practice." The Committee expressed concern over reports of torture and death in custody and recommended that the Government shorten pretrial detention periods and reduce prearraignment incommunicado detention periods from the current legal limit of 10 days to 48 hours, as most torture cases reportedly occurred during prearraignment incommunicado detention.

According to Amnesty International and defense attorneys, the courts routinely fail to investigate allegations of torture and mistreatment and have accepted as evidence confessions extracted under torture.

In a report published in November as an alternative to the Government's report to the U.N. Committee Against Torture, the International Federation of Human Rights Leagues (FIDH) stated that torture was a "blatant, grave, and systematic" practice. The report listed at least 500 cases that occurred between 1990 and 1998, including at least 30 cases of death during torture. The majority of these cases occurred between 1990 and 1995. The FIDH reported that the total number of victims of torture between 1990 and 1998 probably totaled several thousand, and that government harassment discouraged victims of torture from filing complaints. The report was prepared in conjunction with the LTDH and the Committee for the Respect of Liberties and Human Rights in Tunisia.

Human rights activists alleged that police and prison authorities mistreated prisoners by subjecting them to physical abuse. Guards in Manouba prison reportedly beat alleged PCOT member Imane Darwiche in June after she and two other prisoners criticized the conditions under which they were detained. LTDH vice president Khemais Ksila alleged that Tunis prison guards pretending to be medical authorities physically abused him on July 23 after Ksila began a hunger strike to protest his prison conditions (see Sections 2.a. and 4).

Human rights advocates maintain that charges of torture and mistreatment are difficult to substantiate because government authorities often deny medical examinations until evidence of abuse has disappeared. For example, attorneys for Lotfi Hammami alleged that judicial authorities rejected repeated requests for a medical examination of Hammami. The Government maintained that it investigates all complaints of torture and mistreatment filed with the prosecutor's office and noted that
alleged victims sometimes publicly accused authorities of acts of abuse without taking the steps required to initiate an investigation. Absent a formal complaint, the Government may open an administrative investigation, but is unlikely to release the results to the lawyers of affected prisoners.

According to defense attorneys and former prisoners, prison conditions ranged from Spartan to poor and, in some cases, did not meet minimum international standards. Credible sources reported that overcrowding continued to be a serious problem, with 40 to 50 prisoners typically confined to a single 194 square feet cell and up to 140 prisoners held in a 323 square feet cell. Defense attorneys reported that prisoners in the Ninth of April prison in Tunis were forced to share a single water and toilet facility and a single razor with their cellmates, creating serious sanitation problems.

There were credible reports that conditions and prison rules were more stringent for political prisoners than for the general prison population. One credible report has alleged the existence of special cell blocks and prisons for political prisoners, where they may be held in solitary confinement for months on end. Another credible source reported that high-ranking leaders of the illegal An-Nahda Islamist movement have been held in solitary confinement since 1991. Other sources alleged that political prisoners regularly were moved among jails throughout the country, thereby making it more difficult for the prisoners' families to deliver food to the prisoners. One prisoner reported serving in 3 different jails while serving a 6-month sentence; another reported serving in 10 different jails in 3 years. Other prisoners, including LTDH vice president Khemais Ksila, alleged that the authorities limited the quantity and variety of food that families of political prisoners could bring to supplement prison fare.

There were no developments in the 1997 deaths in custody of prisoners Ridha Khemiri and Ahmed Ouafi, who, according to human rights activists, died because of prison authorities' negligence. The Government denied these allegations, citing authorities' efforts to provide medical care, but did not release the results of the autopsies that it reportedly conducted.

National High Commissioner for Human Rights Rachid Driss, whose organization is government-funded, has conducted bimonthly, unannounced prison inspections since 1996. Although Driss has declared that prison conditions and prisoner hygiene were "good and improving," details of his inspections have not been made public.

The Government does not permit international organizations, independent human rights organizations, or the media to inspect or monitor prison conditions.

d. Arbitrary Arrest, Detention, or Exile

The law authorizes the police to make arrests without warrants in the cases of suspected felons or crimes in progress. The Government may hold a suspect incommunicado for 10 days following arrest and prior to arraignment. Detainees have the right to be informed of the grounds for arrest before questioning and may request a medical examination. They do not have a right to legal representation during the 10-day incommunicado detention period. Attorneys, human rights monitors, and former detainees maintain that the authorities illegally extend the 10-day limit by falsifying the date of arrest.

Human rights activists alleged that the Government subjected the family members of Islamist activists to arbitrary arrest (see Section 1.f.). In February and March, the Government arrested 16 students and labor activists in response to their reported criticism of the Government (see Section 2.a.).

Detainees have a right to be represented by counsel during arraignment. The Government provides legal representation for indigents. At arraignment the examining magistrate may decide to release the accused
or remand him to pretrial detention. The law permits the release of accused persons on bail, which may be paid by a third party. In cases involving crimes for which the sentence may exceed 5 years, or which involve national security, pretrial detention may last an initial period of 6 months and may be extended by court order for two additional 4-month periods. During this period, the court conducts an investigation, hears arguments, and accepts evidence and motions of both parties.

A case proceeds from investigation to the Criminal Court, which sets a trial date. There is no legal limit to the length of time the court may hold a case over for trial nor is there a legal imperative for a speedy hearing. Complaints of prolonged detention awaiting trial were common, and President Ben Ali has publicly encouraged judges to make better use of release on bail and suspended sentences. Radhia Aouididi, who was arrested on November 9, 1996 on charges of association with the illegal An-Nahda movement and possession of a false passport, was held for 18 months before the Government tried and convicted her on May 26 (see Section 2.d.). The trial of Salowa Souilem, who was arrested on May 28, 1996 on charges of association with An-Nahda, is scheduled for January 1999 (see Section 1.f.).

Human rights activists reported that security services arbitrarily imposed administrative controls on former prisoners following their release from prison. Although the Penal Code contains provisions for the imposition of administrative controls following completion of a prison sentence, only judges have the right to order a former prisoner to register at police stations, and the law limits registration requirements to 5 years. On August 13, the Government arrested former Islamist prisoner Tarek Soussi on charges of beating a fruit vendor, after Soussi refused to continue registering with the police following expiration of the 5-year limit on his administrative controls. The Government convicted him on September 10 and sentenced him to 5 months in prison. Human rights lawyers argued that the partially paralyzed Soussi was incapable of beating anyone. The Government maintained that it prosecuted and convicted Soussi in accordance with the law and that these assault charges were unrelated to Soussi's previous convictions. The Government also alleged that Soussi had not filed any official complaints after the limit on his administrative controls expired and police authorities continued to require him to register.

There are likely a sizable number of political detainees, although there is no reliable estimate due to arbitrary government detention practices and the lack of records of arrests.

The Constitution prohibits exile, and the Government observes this prohibition.

e. Denial of Fair Public Trial

Although the Constitution provides for an independent judiciary, the executive branch and the President strongly influence the judiciary. In practice, the judicial branch is part of the Ministry of Justice and the executive branch appoints, assigns, grants tenure to, and transfers judges. In addition, the President is head of the Supreme Council of Judges. This situation renders judges susceptible to pressure in politically sensitive cases.

The court system comprises the regular civil and criminal courts, including the courts of first instance, the courts of appeal, and the Court of Cassation, the nation's highest court, as well as the military tribunals within the Defense Ministry.

Military tribunals try cases involving military personnel and civilians accused of national security crimes. A military tribunal consists of a civilian judge from the Supreme Court and four military judges. Defendants may appeal the tribunal's verdict to the Court of Cassation.
The Code of Procedure is patterned after the French legal system. By law the accused has the right to be present at trial, be represented by counsel, question witnesses, and appeal verdicts. However, in practice judges do not always observe these rights. The law permits trial in absentia of fugitives from the law. Both the accused and the prosecutor may appeal decisions of the lower courts. Defendants may request a different judge, if they believe that a judge is not impartial. The Court of Cassation, which considers arguments on points of law, as opposed to the facts of a case, is the final arbiter.

Trials in the regular courts of first instance and in the courts of appeals are open to the public. The presiding judge or panel of judges dominates a trial, and defense attorneys have little opportunity to participate substantively. Defense lawyers contend that the courts often fail to grant them adequate notice of trial dates or allow them time to prepare their cases. Some also reported that judges restricted access to evidence and court records, requiring in some cases, for example, that all attorneys of record examine the court file on one appointed day in judges' chambers without copying material documents. They also complained that the judges sometimes refused to allow them to call witnesses on their clients' behalf or to question key government witnesses.

The Government reportedly violated LTDH vice president Khemais Ksila's right to due process during his April 25 appeals hearing. After resuming the hearing following a 2-week recess, the presiding judge refused to allow Ksila to make a statement before the new panel of judges, as is required by law. In June the Court of Cassation upheld Ksila's original February conviction and sentence. The Government maintained that Ksila was tried and convicted in full accordance with the law (see Sections 1.c., 2.a., and 4).

Amnesty International and defense attorneys report that courts routinely fail to investigate allegations of torture and mistreatment and have accepted as evidence confessions extracted under torture (see Section 1.c.).

There is no reliable information on the number of political prisoners. Human Rights Watch (HRW) reported that there may be hundreds of political prisoners, convicted and imprisoned for membership in the Islamist group An-Nahda and the Communist Workers Party, for disseminating information produced by these banned organizations, and for aiding relatives of convicted members. Amnesty International estimates that there are up to 2,000 political prisoners.

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

The authorities infringed on citizens' privacy rights. The Constitution provides for the inviolability of the person, the home, and for the privacy of correspondence, "except in exceptional cases defined by law." The law requires that the police have warrants to conduct searches, but police sometimes ignore the requirement if authorities consider that state security is at stake or that a crime is in progress. LTDH vice president Abdelkarim Allagui said that police forces conducted an unauthorized search of his home on March 29. The police reportedly told Allagui that they were pursuing a suspect who was fleeing the scene of a crime. The Government stated that Allagui's claims were unfounded.

Authorities may invoke state security interests to justify telephone surveillance. There were numerous reports of government interception of facsimile and computer-transmitted communications. The law does not explicitly authorize these activities, although the Government has stated that the Code of Criminal Procedure implicitly gives investigating magistrates such authority. Many political activists experience frequent and sometimes extended interruptions of residential and business telephone and facsimile services. One activist complained that his mail and telephone service has been interrupted since 1996.
The security services monitor the activities of political critics, and sometimes harass, follow, question, or otherwise intimidate their relatives and associates. Police forces reportedly harassed and threatened the daughter of human rights lawyer Radhia Nasraoui and the son of LTDH vice president Khemais Ksila. The Government denied these charges. Police place journalists who write articles critical of the Government, or who are active in human rights organizations, under surveillance (see Section 2.a.). Human rights activists and lawyers also reported that they were under police surveillance (see Section 4).

Human rights activists alleged that the Government subjected the family members of Islamist activists to arbitrary arrest, reportedly utilizing charges of "association with criminal elements" to punish family members for crimes committed by individuals. For example, on October 30 the Government arrested Mohamed Aouididi, brother of jailed alleged An-Nahda activist Radhia Aouididi, and Mohamed Abdel Moumen Ifa El Amri, brother of Aouididi's fiancee, and charged them with conspiring to attack a person or property and incitement to religious fanaticism and hatred. Defense attorneys reported that the Government arrested Salowa Souilem in May 1996 on these charges, after her husband, a former Islamist prisoner, testified against the Government to a foreign human rights group that was investigating the death in custody of a fellow Islamist prisoner. Souilem is in jail awaiting trial in January 1999 (see Section 1.d.). Human rights activists also alleged that the relatives of Islamist activists who are in jail or living abroad were subjected to police surveillance and mandatory visits to police stations to report their contact with relatives. The Government maintained that the Islamists' relatives were members or associates of the outlawed An-Nahda movement and that they were correctly subjected to legitimate laws prohibiting membership in or association with that organization. The Government reportedly refused to issue passports to the family members of some human rights activists.

Human rights activists allege that security services arbitrarily imposed administrative controls on prisoners following their release from prison (see Section 1.f.).

Police presence is heavy throughout the country and traffic officers routinely stop motorists for no apparent reason to examine their personal identification and vehicular documents. The Government regularly prohibited the distribution of some foreign publications and, from July until November, blocked transmission of Italian television channel Rai-Uno (see Section 2.a.). The security services often question citizens seen talking with foreign visitors or residents, particularly visiting international human rights monitors and journalists.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of expression and of the press; however, in practice, the Government restricts freedom of speech and of the press and relies upon direct and indirect methods to restrict press freedom and encourage a high degree of self-censorship. The Government also used the Press Code, which contains broad provisions prohibiting subversion and defamation, to prosecute individuals who expressed dissenting opinions.

In January the Government prosecuted attorney Abdelkarim Kahloul on defamation charges after he used a proverb while defending a client in court that implied that a citizen had no recourse when the State was against him. Although a criminal court in Sousse convicted Kahloul and sentenced him to 3 months in prison, the Court of Appeals overturned the criminal court's ruling in April and acquitted Kahloul on all charges.
On February 11, the Government convicted LTDH vice president Khemais Ksila on charges of defamation of the public order, dissemination of false information, and inciting the public to violence, and sentenced him to 3 years in prison and a $900 (1,000 dinar) fine. The Government arrested Ksila in September 1997 after he circulated a communique in which he protested alleged government reprisals for his human rights activism and criticized government restrictions on freedom of expression. The Court of Cassation upheld the convictions and sentence in June. The Government maintained that Ksila was prosecuted and convicted in full accordance with the law (see Sections 1.c., 1.e., and 4).

In February and March, the Government arrested 16 students and labor activists on nine charges, including defamation, dissemination of false information, and association with the illegal Communist Workers Party, after the students reportedly criticized the Government and its university policies during a public meeting of the National Student Union (UGET) and attempted to organize a campus-wide strike. Credible sources reported that the Government also believed that the students had circulated tracts that accused the President's extended family of corruption. The Government issued arrest warrants in the same case for four PCOT leaders who remained in hiding, and opened criminal investigations against human rights lawyer Radhia Nasraoui and labor activist Abdelmajid Sahraoui (see Sections 1.c., 2.b., 4, and 6). The Government maintained that all individuals named in the PCOT case were being prosecuted in accordance with the law.

Sahraoui and four other Tunisian General Federation of Labor (UGTT) trade union activists continued to face unrelated possible defamation charges for signing a 1997 petition that criticized the UGTT secretary general. Although Sahraoui and the others remained free on "conditional liberty," the Government never closed the legal case against them (see Section 6).

In December 1997, the Government opened a criminal investigation against former Social Democratic Movement (MDS) opposition party leader and frequent government critic Mohamed Moaada, on charges of association with the illegal An-Nahda Islamist movement. Moaada appeared for questioning before the examining magistrate in charge of the investigation in May, and remained under a court order prohibiting him from leaving Tunis for the duration of the criminal investigation. Human rights lawyers confirmed that there was no legal limit on either the duration of the investigation or the accompanying restriction on Moaada's freedom of movement (see Sections 2.b. and 2.d.).

Although several independent newspapers and magazines--including two opposition party journals--exist, the Government relies upon direct and indirect methods to restrict press freedom and encourage a high degree of self-censorship. Primary among these methods is "depot legal," the requirement that printers and publishers provide copies of all publications to the Chief Prosecutor, Ministry of Interior, and Ministry of Culture prior to distribution. Similarly, distributors must deposit copies of publications printed abroad with the Chief Prosecutor and various ministries prior to their public release. While publishers need not wait for an authorization, they must obtain a receipt of deposit before distribution. On occasion such receipts reportedly are withheld, sometimes indefinitely. Without a receipt, publications may not be distributed legally. The Press Code contains broad provisions prohibiting subversion and defamation, neither of which is clearly defined. The Code stipulates fines and confiscation for failure to comply with these provisions. The Government routinely utilized this method to prevent distribution of editions of foreign newspapers and magazines that contained articles critical of the country. Editions of Le Monde and Al Hayat, for example, were embargoed several times each month. The Government also reportedly withheld "depot legal" to remove from circulation books that it deemed critical of the Government. In addition, the Government provided official texts on major domestic and international events and reportedly reprimanded publishers and editors for failing to publish these statements.

The Government also relies upon indirect methods, such as newsprint subsidies and control of public
advertising revenues to encourage self-censorship in the media. There were reports that the Government withheld advertising orders, a vital source of revenues, from publications that published articles that the Government deemed offensive.

The Government exerted further control over the media by threatening to impose restrictions on journalists, such as refusing permission to travel abroad, withholding press credentials, and questioning and imposing police surveillance on journalists who wrote articles critical of the Government. Members of the security services also reportedly questioned journalists on the nature of press conferences and other public functions hosted by foreigners that they attended. In June high-ranking Ministry of Interior officials questioned journalist Taoufik Ben Brik after he published an article critical of the Government in the French newspaper La Croix. Other journalists who were active in human rights organizations or attempted to run as independent candidates for the National Journalists Association reported that they were under police surveillance for weeks at a time. Visiting foreign journalists sometimes complain of being followed by foreign security officials.

In May the Committee to Protect Journalists (CPJ) named President Ben Ali as one of its "10 enemies of the press," citing the Government's "swift reprisals" for reporting critical of the Government. The CPJ stated that journalists were "dismissed from their jobs, denied accreditation, and barred from leaving the country" and that self-censorship had become "virtually institutionalized." The Tunisian Newspaper Association remained expelled from the World Association of Newspapers (WAN). The WAN expelled the Association in 1997 for its failure to oppose repression of freedom of the press.

The Government owns and operates the Tunisian Radio and Television Establishment (ERTT). The ERTT's coverage of government news is taken directly from the official news agency, TAP. In May ERTT began broadcasting a live public debate program entitled "Face to Face," which gave ordinary citizens the opportunity to debate public affairs issues with government officials. Human rights activists described the program as progress toward greater freedom of expression. There are several government-owned regional radio stations and one national television channel. Bilateral agreements with France and Italy permit citizens to receive the French television channel France 2 and the Italian Rai-Uno, but the Government blocked transmission of Rai-Uno from July until November after the channel broadcast an interview with London-based banned An-Nahda party leader Rachid Ghannouchi. The Government claimed that Rai-Uno broadcasts were ended for "technical reasons." Recent estimates put the number of satellite dishes in country at 100,000. After blocking sales for several years, the Government instituted regulations in 1996 to govern their sale and installation. Dishes smuggled from Algeria also are available on the black market in many areas.

The Government encouraged greater use of the Internet, lowered Internet user fees and telephone connection fees, and abolished customs duties on computers in order to achieve its goal of 10,000 Internet users by the end of the year. On September 1, the Government announced that 6,000 users already were on-line. However, the Government reportedly blocked access to web sites produced by some international human rights groups (see Section 4).

Like journalists, university professors indicated that they sometimes practiced self-censorship by avoiding classroom criticism of the Government or statements supportive of the Islamist An-Nahda movement. Professors alleged that the Government utilized the threat of tax audits, control over university positions, and strict publishing rules to encourage self-censorship. The presence of police on campuses also discouraged dissent.

b. Freedom of Peaceful Assembly and Association
The Constitution provides for freedom of assembly, but the Government imposes some restrictions on this right. Groups that wish to hold a public meeting, rally, or march must obtain a permit from the Ministry of Interior. The authorities routinely approve such permits for groups that support government positions, but refuse permission for groups that express dissenting views. In January for example, the Government refused permission to a coalition of eight associations, including the Young Lawyers Association, the Democratic Women's Association, and the LTDH, to organize a march to express their solidarity with the citizens of Algeria. Similarly, LTDH members reportedly were unable to obtain government permission to use public spaces for their meetings. In December the Government canceled a public meeting organized by five independent associations to celebrate the 50th anniversary of the Universal Declaration of Human Rights, after the associations neglected to inform the Ministry of Interior of the meeting 3 days in advance. Also in December, the Government arrested seven university students who participated in public rallies organized by the UGET. The seven students were tried and convicted on assault charges, which human rights activists said were based on questionable evidence. The Government prohibited Amnesty International from holding public meetings in September and December (see Section 4).

Although the Constitution provides for freedom of association, the Government restricts this right by barring membership in political parties organized by religion, race, or region. On these grounds, the Government prosecutes members of the illegal Islamist movement An-Nahda. Human rights activists alleged that the Government extended its prosecution of Islamist activists to include family members who were not politically active (see Sections 1.d. and 1.f.). The Government opened a criminal investigation against former MDS opposition party leader Mohamed Moaada on these charges after he reportedly met with An-Nahda leaders in Europe (see Sections 1.d. 2.a., and 2.d.).

The Government bans organizations that threaten disruption of the public order and uses this proscription to prosecute members of the illegal Communist Workers Party. In February and March, the Government arrested 16 students and labor activists on PCOT membership charges and issued arrest warrants for 4 other PCOT leaders, including PCOT head Hamma Hammami, who remained in hiding. The Government named human rights lawyer Radhia Nasraoui and labor activist Abdelmajid Sahraoui as codefendants in the case. Among other charges, the Government also reportedly accused the group of attempting to organize an unauthorized student strike to protest changes in university policies. The case is under investigation by the examining magistrate and no trial date has been set. The Government maintained that the group was being prosecuted in accordance with the law (see Sections 1.c., 2.a., and 2.d.).

c. Freedom of Religion

Islam is the state religion and, although the Government generally permits the practice of other religions, it does not permit proselytizing, and partially limits the religious freedom of Baha'is. The Government controls mosques and pays the salaries of prayer leaders. The 1988 Law on Mosques provides that only personnel appointed by the Government may lead activities in the mosques. The Government regards the Baha'i faith as a heretical sect of Islam and permits its 150 adherents to practice their faith only in private. The Government reportedly pressures Baha'is to eschew organized religious activities.

With 1,800 adherents, the Jewish community is the country's largest indigenous religious minority. The Government assures the Jewish community freedom of worship and pays the salary of the Grand Rabbi. The Government permits the Jewish community to operate private religious schools and allows Jewish children on the island of Jerba to split their academic day between secular public schools and private
religious schools. The Government also encouraged Jewish emigres to return for the annual Jewish pilgrimage to the historic El-Ghriba synagogue on the island of Jerba.

The Christian community, estimated at about 2,000, is composed mainly of foreigners. It freely holds church services and operates a small number of schools. In general, the Government does not permit Christian groups to establish new churches.

The Government views proselytizing as an act against the public order. Authorities ask foreigners suspected of proselytizing to depart the country and do not permit them to return. There were no reported cases of official action against persons suspected of proselytizing.

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

The Constitution provides for these rights. Persons are free to change their place of residence or work at will. In practice, however, the Government restricts the freedom of movement and foreign travel of those critical of the administration.

The Government amended the passport law in October, transferring authority to withhold or revoke passports from the Ministry of Interior to judges. However, the amended law contains broad provisions that permit passport seizure on undefined national security grounds and denies citizens the right either to present their case against seizure or to appeal the judges' decision. Under the amended law, the Ministry of Interior must submit requests to seize or withhold a citizen's passport through the Public Prosecutor.

Human rights monitors complain that the Government arbitrarily withholds passports from citizens. Although in 1997 the Government returned passports to several prominent activists, such as Mohamed Moaada, and issued passports to the families of many Islamist activists, it continued to withhold the passports of many other citizens, including Moncef Marzouki, Mustapha Ben Jaafar, and Siheme Ben Sedrine (see Section 4). Human rights groups reported that the Government continued to withhold the passports of the family members of Islamist activists who live abroad.

In December 1997, and later in March and May, respectively, the Government ordered activists Mohamed Moaada, Radhia Nasraoui, and Abdelmajid Sahraoui to remain in Tunis pending the outcome of criminal investigations. Human rights lawyers confirmed that there was no legal limit on either the investigations or the accompanying restrictions on the activists' freedom of movement. The Government stated that judicial authorities imposed the restrictions in order to avoid remanding the three to preventive detention (see Sections 2.a., 2.b., 4, and 6).

On May 26, the Government convicted Radhia Aouididi on charges of association with An-Nahda and utilization of a false passport, and sentenced her to 3 years in prison and 5 years of post-incarceration administrative controls. Aouididi had attempted to leave the country on a false passport in November 1996, after the Government reportedly refused to issue a passport to her. Human rights activists claimed that the Government illegally withheld Aouididi's passport because her fiancee, who lives abroad, was accused of membership in An-Nahda. The Government maintained that Aouididi was tried and convicted in accordance with the law (see Section 1.c.).

Police routinely stop motorists for no apparent reason to examine their personal identification and vehicular documents (see Section 1.f.).

The Government cooperates with the office of the United Nations High Commissioner for Refugees (UNHCR) in assisting refugees. The Government acknowledged UNHCR determination of refugee
status that was accorded to 200 individuals during the year. Approximately 100 cases await
determination by the UNHCR. The Government provides first asylum for refugees, based on UNHCR
recommendations. There is no pattern of abuse of refugees. Although a few refugees were deported
during the year, none were forced to return to countries where they feared persecution.

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

The Constitution provides that the citizenry shall elect the President and members of the legislature for
5-year terms; however, the ability of citizens to change their government through democratic means has
yet to be demonstrated. The ruling RCD party and its direct predecessor parties have controlled the
political arena since independence in 1956. The party dominates the Cabinet, the Chamber of Deputies,
and regional and local governments. The President appoints the Cabinet and the 23 governors. The
Government and the party are integrated closely; the President of the Republic is also the President of
the party, and the party's Secretary General holds the rank of minister.

President Ben Ali was reelected for a 5-year term in 1994. Under the Constitution, he can stand for
reelection in November 1999 for the last time. Candidates for President must receive the endorsement of
30 sitting deputies or municipal council presidents to launch a campaign. The 163-seat Chamber of
Deputies does not function as an effective counterweight to the executive branch. The Electoral Code
includes a census-based formula that provides for a winner-take-all process for most of the seats, with
the remainder reserved for candidates from unsuccessful parties. The ruling party won all 144 directly-
elected district seats in the 1994 parliamentary elections. Nineteen additional national seats were divided
among 4 opposition parties. In October the Government amended the electoral code to increase the
proportion of seats to be distributed nationally to unsuccessful parties to about 20 percent in the
upcoming 1999 parliamentary elections. All legal parties are free to present candidates. In September the
Government held a special election to fill a seat vacated by an RCD deputy who resigned to take a
government post. An RCD candidate won a freely contested election against a candidate from the MDS
opposition party.

The most vocal and active of the opposition parties, the MDS remained weakened following a split in its
ranks after the 1996 conviction, imprisonment, and release of party president Mohamed Moaada and
party vice president Khemais Chammari in 1996. The Government continued to recognize Ismail
Boulahia as the new official MDS president. A separate MDS faction contended that it retained the
support of a majority of the MDS ruling council and refused to recognize Boulahia as its leader.

The Government began providing public financing to political parties, as called for in legislation
adopted in 1997. Under the legislation, each party represented in the Chamber of Deputies received an
annual public subsidy of approximately $54,000 (60,000 dinars), plus an additional payment of $4,500
(5,000 dinars) per deputy. Although opposition parties welcomed the legislation as an important step
toward greater political pluralism, several parties continued to criticize the Government for restricting
the subsidies to those parties already represented in Parliament. Others argued that the legislation
reinforced the favored position of the ruling party, which holds 144 of the 163 seats in Parliament and
has received $700,000 (780,000 dinars) of the total $1,000,000 (1,115,000 dinars) government subsidy.

Women participate in politics, but they are underrepresented in senior government positions. Twelve of
the 163 members of the Chamber of Deputies are women. In addition, a woman is the junior minister for
Women and Family Affairs in the Prime Minister's office.

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

The Tunisian Human Rights League is the most active independent advocacy organization, with branches in many parts of the country. The organization receives and researches complaints and protests individual and systemic abuses. The Government has refused to meet with LTDH officials since August 1997, when the Government accused the League of prompting members of the International Human Rights Federation to give inaccurate testimony regarding Tunisia before the U.N. Human Rights Commission (UNHRC). LTDH officials reported that the Government had not provided any written responses to League inquiries since 1994.

The Government continued to place significant obstacles in the way of the League's effective operation. LTDH members and other human rights activists reported government harassment, interrogation, property loss or damage, unauthorized home entry, and denial of passports. Local newspapers continued to refuse to publish LTDH communiques, and LTDH chapters reported that they were unable to hold meetings in public spaces or privately-owned meeting rooms.

On February 11, the Government convicted LTDH vice president Khemais Ksila on defamation charges and sentenced him to 3 years in prison and a $900 (1,000 dinar) fine (see Sections 1.c. and 2.a.).

On February 12, the law office of human rights attorney Radhia Nasraoui was ransacked and Nasraoui reported that all of her legal files were stolen. Human rights activists accused the government security services of responsibility for the break-in. The Government opened an investigation of the break-in, but did not identify any suspects. In the weeks following the theft, the press conducted a campaign of criticism against Nasraoui, alleging in cartoons and articles that Nasraoui orchestrated the break-in to gain support in the upcoming National Bar Association elections. The cartoons also contained assaults on Nasraoui's character. Nasraoui suffered a similar break-in in April 1997, but she reported that she did not lose any of her legal files at that time.

On February 19, government prosecutors summoned LTDH president Taoufik Bouderbala for questioning after the League's National Council issued a communique that protested the Government's prosecution and conviction of Khemais Ksila and called upon the Government to conduct an investigation of the break-in at Nasraoui's law office. The Government did not press charges against Bouderbala; the questioning was conducted in accordance with the law, which permits prosecutors to question any citizen at any time, even if he or she is not under criminal investigation.

On March 6, the Government named Nasraoui as a codefendant in the ongoing criminal investigation of the illegal Communist Workers Party. The Government accused Nasraoui of holding PCOT meetings in her law office and assisting PCOT members in their attempts to escape justice. Human rights activists alleged that the Government implicated Nasraoui in the case after it forced other defendants in the case to sign statements that they were not permitted to read. Nasraoui appeared for questioning by the examining magistrate on March 30, and remains under court order prohibiting her from leaving Tunis for the duration of the investigation. Her husband, Hamma Hammami, is the head of the illegal PCOT, and reportedly remains in hiding. The Government maintained that Nasraoui, like other defendants facing PCOT charges, was being treated in accordance with the law (see Sections 1.c., 2.a., 2.b., and 6).

Twelve human rights activists, including several LTDH board members, reported that they were under 24-hour police surveillance for 3 weeks in March and April. Many activists believed that the Government imposed the surveillance as part of its investigation of PCOT activities. Several human rights lawyers reported that they remained under sporadic but heavy police surveillance throughout the year. The Government denied these charges.

Throughout the spring and summer, the press conducted a campaign of criticism against the Tunisian...
Democratic Women's Association (AFTD) after the AFTD organized a meeting of the International Network of Independent Arab Women's Groups (AISHA), which was held in the West Bank in March. The press alleged in cartoons and articles that the group consisted of lesbians with lax moral standards. Human rights activists alleged that the Government prompted newspapers to criticize the group because the ATFD and the other Arab groups excluded government-funded groups from the independent, privately-funded network.

In July an anonymous source sent a glossy, four-page letter to attorneys and foreign embassies, accusing human rights attorney Alya Chammari of prostitution. Activists alleged that the Government wrote and circulated the letter after Chammari's husband, former MDS opposition party leader Khemais Chammari, organized a public meeting in France at which several activists criticized the Government's policies.

Human rights activist and former LTDH president Moncef Marzouki claimed that he suffered government retaliation for his human rights activism. Marzouki alleged that the Government continued to withhold his passport and deny him permission to receive and treat patients at the government hospital where he is employed. The Government stated that Marzouki remained under a judicial order prohibiting him from leaving the country for the duration of a criminal investigation that was initiated in 1994, after Marzouki reportedly criticized the Government in an interview published in a Spanish newspaper. The Government claimed that the length of the restrictions on Marzouki's freedom of movement was due to diplomatic procedures required to obtain information from the newspaper in which Marzouki's interview was published.

The Arab Institute for Human Rights, headquartered in Tunis, was founded in 1989 by the LTDH, the Arab Organization for Human rights, and the Union of Arab lawyers. It is an information, rather than an advocacy, organization, and the Government supports its activities.

Amnesty International (AI) continued to maintain a Tunisian chapter. Its members complained that the Tunis office suffered repeated loss of telephone and facsimile service. Hechmi Jegham, who served as president of the chapter until June, was questioned by Ministry of Interior officials in February, following a meeting of AI's National Council. Other AI officials reported that they were under periodic police surveillance. The Government continued to deny entry to a London-based AI researcher responsible for Tunisian affairs, claiming that she has an anti-Tunisia bias. However, in March the Government permitted representatives from AI to attend a human rights seminar that was sponsored by the Arab Institute for Human Rights and Huridocs, an international nongovernmental organization (NGO). The Government prohibited AI from holding public meetings in September and December, but in October permitted the organization to hold a public reception honoring former Tunisian section president Mahmoud Ben Rhomdane, who was elected as the worldwide president of AI.

In August the Government permitted a researcher from Human Rights Watch to visit the country. He reported that the Government facilitated his visit, permitted him to work freely and arranged visits with high-ranking officials.

Throughout the year, the Government permitted observers from AI, the International Human Rights Federation, and other international human rights organizations to monitor trials. The observers reported that the Government permitted them to conduct their work freely. However, the Government reportedly blocked access to the Internet web sites produced by some of these organizations and the web site produced by the Committee to Protect Journalists (see Section 2.a.).

Human rights offices in certain ministries and a governmental body, the Higher Commission on Human Rights.
Rights and Basic Freedoms, address and sometimes resolve human rights complaints. The Higher Commission submits confidential reports directly to President Ben Ali and, in July, also released a public report for the period 1995-1996, which highlighted the Government's social and economic achievements, as well as its human rights-oriented legislative reforms. The report did not address specific human rights abuses.

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

The Constitution provides that all citizens shall have equal rights and responsibilities and be equal under the law. The Government generally observes this in practice. Legal or societal discrimination is not prevalent, apart from that experienced by women in certain areas, including employment.

Women

Violence against women occurs, but there are no reliable statistics to measure its extent. The Tunisian Democratic Women's Association operates the country's only counseling center for women who are victims of domestic violence. The center, located in Tunis, assists approximately 20 women per month. Instances of rape or assault by someone unknown to the victim are rare. Battered women first seek help from family members. Police intervention is often ineffective because police officers and the courts tend to regard domestic violence as a problem to be handled by the family. Nonetheless, there are stiff penalties for spouse abuse. Both the fine and imprisonment for battery or violence committed by a spouse or family member are double those for the same crimes committed by an individual not related to the victim.

Women enjoy substantial rights and the Government has made serious efforts to advance those rights, especially in the areas of property ownership practices and support to divorced women. In March the President issued a decree creating a national fund to protect the rights of divorced women, ensuring that the State would provide financial support to women whose former husbands refused to make alimony payments. In October the Government enacted legislation requiring civil authorities to advise couples of the merits of including provisions for joint property in marriage contracts. Nonetheless, most property acquired during marriage, including property acquired solely by the wife, is still held in the name of the husband. Inheritance law, based on Shari'a (Islamic law) and tradition, discriminates against women, and women still face societal and economic discrimination in certain areas, such as employment. The Government made significant efforts to change property ownership practices and provide financial support to divorced women.

Women in increasing numbers are entering the work force, employed particularly in the textile, manufacturing, health, and agricultural sectors. According to 1994 government statistics, women constituted 25 percent of the work force; excluding the agricultural sector, they accounted for 44 percent. Women represent 44 percent of workers in the industrial sector and 46.1 percent of workers in the health sector. There are an estimated 2,000 businesses headed by women. Women represent one-third of the civil service, employed primarily in the fields of health, education, and social affairs at the middle or lower levels. Women represent 60 percent of all judges in the capital and 25 percent of the nation's total jurists. Approximately 43 percent of the university students enrolled in the 1997-98 academic year were women. On the other hand, while the rate of illiteracy has dropped markedly in both rural and urban areas, the rate of female illiteracy in all categories is at least double that of men. Among 10- to 14-year-old children, 5.5 percent of urban girls are illiterate, compared with 2.2 percent of urban boys, and 27 percent of rural girls, compared with less than 7 percent of rural boys.

Several active NGO's focus, in whole or in part, on women's advocacy, or research women's issues, and

a cadre of attorneys represent women in domestic cases. Media attention focuses on women's economic and academic accomplishments, and usually omits reference to culturally sensitive issues. The Government funded several studies and projects designed to improve the role of women in the media.

The Ministry for Women and Family Affairs, part of the Prime Minister's office, oversees programs to ensure the legal rights of women. The Government supports and provides funding to the National Women's Union, women's professional associations, and the Government's Women's Research Center.

Children

The Government demonstrates a strong commitment to public education, which is compulsory until age 16. Primary school enrollment for the 1997-98 scholastic year was roughly the same as the preceding year; secondary school enrollment showed an 8 percent increase. The Government reported that 98 percent of children attend school full-time. The Government offers a maternal and child health program, providing pre- and post-natal services. It sponsors an immunization program targeting preschool-aged children, and reports that over 95 percent of children are vaccinated.

In 1995 the Government promulgated laws to constitute a Code for the Protection of Children. The Code proscribes child abuse, abandonment, and sexual or economic exploitation. Penalties for convictions for abandonment and assault on minors are severe. There is a Ministry for Children and Youths and a Presidential Delegate to Safeguard the Rights and Welfare of Children.

People With Disabilities

The law prohibits discrimination based on disability and mandates that at least 1 percent of the public and private sector jobs be reserved for the disabled. All public buildings constructed since 1991 must be accessible to physically disabled persons. Many cities, including the capital, have begun to install wheelchair access ramps on city sidewalks. There is a general trend toward making public transportation more accessible to disabled persons. The Government issues special cards to the disabled for benefits such as unrestricted parking, priority medical services, preferential seating on public transportation, and consumer discounts.

Indigenous People

The Government estimates that a small Berber minority constitutes less than 3 percent of the population. Some older Berbers have retained their native language, but the younger generation has been assimilated into Tunisian culture through schooling and marriage. Berbers are free to participate in politics and to express themselves culturally.

Section 6 Worker Rights

a. The Right of Association

The Constitution and the Labor Code stipulate the right of workers to form unions. The Tunisian General Federation of Labor is the country's only labor federation. About 15 percent of the work force, including civil servants and employees of state-owned enterprises, are members, and a considerably larger proportion of the work force is covered by union contracts. There is no legal prohibition against the establishment of other labor federations. A union may be dissolved only by court order.

The UGTT and its member unions are legally independent of the Government and the ruling party but
operate under regulations that restrict their freedom of action. The UGTT's membership includes persons associated with all political tendencies, although Islamists have been removed from union offices. The current UGTT leadership follows a policy of cooperation with the Government and its economic reform program. There are credible reports that the UGTT receives substantial government subsidies to supplement modest union dues and funding from the National Social Security Account. Labor activists were among the 16 persons arrested in February and March on charges of defamation, dissemination of false information and association with the illegal Communist Workers Party (see Section 2.a.). Four UGTT members who were arrested and released in 1997 for signing a petition that criticized the UGTT secretary general continued to face possible criminal charges, as the legal case against them remained open (see Section 2.a.).

Unions, including those representing civil servants, have the right to strike, provided they give 10 days' advance notice to the UGTT and it approves of the strike. However, this advance approval rarely is sought in practice. There were several short-lived strikes over pay and conditions. While the majority of these were technically illegal, the Government did not prosecute workers for illegal strike activity, and the strikes were covered objectively in the press. The International Confederation of Free Trade Unions (ICFTU) has characterized the requirement for prior UGTT approval of strikes as a violation of worker rights. The law prohibits retribution against strikers, but there have been cases of employers punishing them nevertheless, forcing the strikers to pursue costly and time-consuming legal remedies to protect their rights.

Labor disputes are settled through conciliation panels in which labor and management are equally represented. Tripartite regional arbitration commissions settle industrial disputes when conciliation fails. Unions are free to associate with international bodies.

b. The Right to Organize and Bargain Collectively

The right to organize and bargain collectively is protected by law and observed in practice. Wages and working conditions are set by triennial negotiations between the UGTT member unions and employers. Forty-seven collective bargaining agreements set standards for industries in the private sector and cover 80 percent of the total private sector work force. Each accord is negotiated by representatives of unions and employers in the area it covered. The Government's role in these negotiations is minimal, consisting mainly of lending its good offices if talks appear to be stalled. However, the Government must approve, but may not modify, the agreements. When approved, the agreements set standards for all employees, both union and nonunion, in the areas they cover. Preparations for the 1999 triennial negotiations began in September, and the actual negotiations were expected to conclude in May 1999.

The UGTT also negotiates wages and work conditions of civil servants and employees of state-owned enterprises.

The law prohibits antiunion discrimination by employers. However, the UGTT is concerned about antiunion activity among private sector employers, especially the firing of union activists and the use of temporary workers to avoid unionization. In certain industries, such as textiles and construction, temporary workers account for a large majority of the work force. The Labor Code protects temporary workers, but enforcement is more difficult than in the case of permanent workers. The UGTT undertook discussions with the Government on this issue. A committee chaired by an officer from the Labor Inspectorate of the Office of the Inspector General of the Ministry of Social Affairs, and including a labor representative and an Employers' Association representative, approves all worker dismissals.
c. Prohibition of Forced or Compulsory Labor

Tunisia abolished compulsory labor in 1989. The law prohibits forced or compulsory labor by either adults or children, and it is not known to occur.

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age for employment in manufacturing is 16 years. The minimum age for light work in agriculture and some other nonindustrial sectors is 13 years. The law also requires children to attend school until age 16. Workers between the ages of 14 and 18 must have 12 hours of rest per day, which include the hours between 10 p.m. and 6 a.m. Children between the ages of 14 and 16 may work no more than 2 hours per day. The total time that they spend in school and work may not exceed 7 hours per day. Inspectors of the Ministry of Social Affairs examine the records of employees to verify that employers comply with the minimum age law. Nonetheless, young children often perform agricultural work in rural areas and work as vendors in urban areas, primarily during the summer vacation from school.

The UGTT has expressed concern that child labor continues to exist disguised as apprenticeship, particularly in the handicraft industry, and in the cases of teenage girls whose families place them as household domestics in order to collect their wages. Although there are no reliable statistics on the extent of this phenomenon, anecdotal evidence indicates that the use of older teenage girls as household domestics is common. The law prohibits forced and bonded child labor, and the Government enforces this prohibition effectively (see Section 6.c.).

e. Acceptable Conditions of Work

The Labor Code provides for a range of administratively determined minimum wages, which are set by a commission of representatives from the Ministries of Social Affairs, Planning, Finance, and National Economy in consultation with the UGTT and the Employers' Association. The President approves the commission's recommendations. The minimum wage was adjusted in August. The industrial minimum wage is $162 (172.5 dinars) per month for a 48-hour workweek and $143 (151.5 dinars) per month for a 40-hour workweek. The agricultural minimum wage is $5.00 (5.3 dinars) per day. When supplemented by transportation and family allowances, the minimum wage covers only essential costs for a worker and family.

The Labor Code sets a standard 48-hour workweek for most sectors and requires one 24-hour rest period.

Regional labor inspectors are responsible for enforcing standards. They inspect most firms about once every 2 years. However, the Government often encounters difficulty in enforcing the minimum wage law, particularly in nonunionized sectors of the economy. Moreover, more than 240,000 workers are employed in the informal sector, which falls outside the purview of labor legislation.

The Ministry of Social Affairs has responsibility for enforcing health and safety standards in the workplace. There are special government regulations covering such hazardous occupations as mining, petroleum engineering, and construction. Working conditions and standards tend to be better in firms that are export oriented than in those producing exclusively for the domestic market. Workers are free to remove themselves from dangerous situations without jeopardizing their employment, and they may take legal action against employers who retaliate against them for exercising this right.
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