

# ERITREA 2013 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The government of the State of Eritrea is a highly centralized, authoritarian regime under the control of President Isaias Afwerki. The People's Front for Democracy and Justice (PFDJ), headed by President Isaias, is the sole political party. There have been no elections since the country's independence from Ethiopia in 1993. Authorities generally maintained effective control over most security forces. Security forces committed human rights abuses.

Incommunicado detention under life-threatening conditions, which sometimes resulted in death, continued. The government forced persons to participate in its national service program, often for periods of indefinite duration, and in its citizen militia. The government also severely restricted civil liberties, including freedom of speech, press, assembly, association, and religion.

Other abuses included killings; torture and other cruel treatment; arbitrary arrest; politically motivated disappearances; executive interference in the judiciary; detention of political prisoners and detainees; lack of due process and excessive pretrial detention; infringement of privacy rights; restrictions on internet freedom; restrictions on academic freedom and cultural events; corruption and lack of transparency; and limits on freedom of movement and travel. Abuse and discrimination against women and the Kunama ethnic group were a problem. The law criminalizes consensual same-sex activity. Child abuse, female genital mutilation/cutting (FGM/C), human trafficking, and forced child labor occurred. Government policies limited worker rights.

The government did not generally prosecute or punish officials who committed abuses, whether in the security services or elsewhere in the government. Impunity was the norm.

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

#### **a. Arbitrary or Unlawful Deprivation of Life**

The government committed arbitrary killings and subjected detainees to harsh and life-threatening prison conditions, which resulted in deaths.

Open Doors USA reported on the deaths of Christians Belay Gebrezgi, Yosief Kebedom Gelai, and Wehazit Berhane, all of whom authorities had arrested due to their religious beliefs, while in detention during the year.

Deaths resulted from the continued authorized use of lethal force against individuals resisting or attempting to flee military service, or attempting to leave the country clandestinely. In early March security forces killed two men trying to cross the border into Ethiopia.

There were no developments in the reported arbitrary killings in 2012.

### **b. Disappearance**

An unknown number of persons disappeared during the year and were believed to be in government detention or to have died while in detention. The government did not regularly notify family members or respond to information requests regarding the status of detainees. Disappeared persons included those detained for political and religious beliefs, journalists, individuals suspected of evading national service and militia duties, and persons with no discernible charge.

Unlike in previous years, there were no reports of detention of foreign nationals. In cases where foreign consular officials questioned government authorities about missing nationals from previous years, authorities denied their ability to obtain information.

There were reports authorities arrested at least 150 adherents of an unregistered Christian religious group found praying together in Maitemenai in October. Authorities reportedly released some of them as of the beginning of November.

The government continued to detain incommunicado local staff employed by foreign diplomatic missions. The government did not answer requests for information regarding their location or charges against them.

Roundups of those suspected of avoiding participation in the mandatory citizen militia established in 2012 reportedly occurred.

There were no reported developments in cases of disappeared persons from 2012.

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

The law and the unimplemented constitution prohibit torture, but the UN special rapporteur on human rights in Eritrea reported that “individuals arrested arbitrarily are subjected to physical and psychological torture, cruel, inhuman or degrading treatment.” Lack of transparency and access to information made it impossible to determine the numbers or circumstances of deaths due to torture or poor detention conditions.

Security forces tortured and beat army deserters, national service and militia evaders, persons attempting to flee the country without travel documents, and members of certain religious groups. Released and escaped detainees from previous years who detailed their experiences on diaspora websites and elsewhere described prison conditions that included exposure to extreme heat during confinement in crowded and unventilated metal shipping containers, or in crowded basements without ventilation or sanitation.

### **Prison and Detention Center Conditions**

Prison conditions remained harsh and life threatening. The government did not permit independent monitoring by domestic or international observers.

Physical Conditions: No information was available on the approximate number of detainees or number of detention centers. Severe overcrowding was reportedly common. The law requires that juveniles be held separately from adults. There is a juvenile detention center in Asmara, but authorities held some juveniles, particularly teenagers, with adults due to overcrowding in facilities for young persons. When police arrested mothers for petty crimes such as begging, their young children were sometimes held with them.

Refusal to perform military or militia service, failure to enlist, fraudulent evasion of military service, and desertion were punishable by lengthy imprisonment. Former detainees and other sources reported detention center conditions for persons temporarily held for evading national service and militia duties were harsh, equivalent to conditions for national security detainees. Authorities placed political prisoners in solitary confinement more often than other detainees.

Data on the prevalence of death in prison and detention facilities were not available, although persons reportedly died from harsh conditions. One person released in 2012 after several weeks in detention reported the detention facility consisted of a shipping container without ventilation or provision for sanitation.

The government did not provide adequate basic or emergency medical care in prisons or detention centers. Food was not adequate, while potable water was sometimes available only for purchase. There were reportedly numerous unofficial detention centers, some located in military camps. Use of psychological torture was common according to former inmates. Some former prisoners reported that authorities appeared to conduct interrogations and beatings in such a way that those not being interrogated or beaten would hear and fear they might suffer the same punishment.

Administration: Because recordkeeping procedures were not transparent, verifying that authorities released prisoners convicted of crimes after serving maximum sentences for charged offenses was impossible. Whether authorities used alternatives to sentencing for nonviolent offenders was unknown. There were no prison ombudsmen to respond to complaints.

Prisoners and detainees did not have consistent access to visitors. Authorities generally did not permit family visits with persons detained, arrested, or convicted for reasons of national security or for evading national service, whereas they permitted visits with those held for other crimes, although irregularly. Authorities did not permit religious observance for some prisoners and detainees, although at least one detention center had a facility where prison officials permitted prisoners to conduct religious observances. Officials generally allowed Muslims to pray. International religious organizations claimed authorities interrogated detainees about their religious affiliation and asked them to identify members of unauthorized religious groups. Prisoners and detainees could not submit complaints to judicial authorities, and authorities did not adequately investigate or monitor prison or detention center conditions.

Independent Monitoring: During the year the government did not permit international bodies, including the International Committee of the Red Cross (ICRC), to monitor prison conditions, nor was the ICRC given access to Ethiopian or Djiboutian prisoners of war allegedly detained in the country.

#### **d. Arbitrary Arrest or Detention**

The law and unimplemented constitution prohibit arbitrary arrest and detention, but arbitrary arrest and detention remained widespread.

In previous years foreign nationals, particularly those with dual citizenship or those identifiably of Eritrean descent, were detained after arriving in Asmara, sometimes

at length and usually without charge. There were no reports of such detentions during the year.

Authorities also arrested persons suspected of loyalty to Ethiopia.

### **Role of the Police and Security Apparatus**

Police were responsible for maintaining internal security, and the army was responsible for external security, but the government sometimes used the armed forces, the reserves, demobilized soldiers, or the newly mustered civilian militia to meet domestic and external security requirements. Agents of the National Security Office, which reports to the Office of the President, were responsible for detaining persons suspected of threatening national security. The armed forces have authority to arrest and detain civilians. Police generally did not have a role in cases involving national security.

Impunity for abuse was the norm. There were no known internal or external mechanisms to investigate security force abuse or government actions to reform the security forces.

### **Arrest Procedures and Treatment of Detainees**

The law stipulates that unless there is a “crime in progress” police must conduct an investigation and obtain a warrant prior to making an arrest, but this seldom occurred. In cases involving national security, the process may be waived. Detainees must be brought before a judge within 48 hours of arrest and may not be held more than 28 days without being charged with a crime. Suspects generally were detained for longer periods without being brought before a judge, charged with a crime, or in some cases being told the reason for their detention. Authorities also sometimes changed charges during detention. The government promoted the assumption that detainees without charge were being held due to national security concerns.

The law provides for a bail system, but bail was arbitrary, not always set, and sometimes reportedly involved paying bribes.

Detainees in prisons, including those held on national security grounds and those considered indigent, often did not have access to counsel. Incommunicado detention was widespread. Detainees in police stations not held on national security grounds sometimes received family visits. For those detained on national

security or religious grounds, authorities usually permitted family members to deliver food and clothing but not to visit the prisoners.

Arbitrary Arrest: Arbitrary arrest occurred frequently. Security force personnel detained individuals for activities that included suspicion of intent to evade national and militia service, criticizing the government, practicing certain religious beliefs, and unspecified national security threats.

For example, for a short period following the one-day take-over of the Ministry of Information building on January 21 by a group of military officers, police and other security forces regularly checked individuals' papers to try to identify those opposed to the government or in violation of military service or militia responsibilities. The government established a military discipline committee, headed by Major General Tekle Kiflai, the commander of the civilian militia, to identify members of the military perceived as disloyal to the president.

Authorities sometimes arrested persons whose papers were not in order and detained them until they were able to provide evidence of their militia status or demobilization from national service. The government contacted places of employment and used informers to attempt to identify those unwilling to participate in the militia.

In October authorities increased document checks, arrests of persons whose papers were not in order, and group arrests known as roundups to minimize citizen expressions of discontent over the government's response to the capsizing of a boat carrying migrants off the coast of Lampedusa, Italy. Many of those aboard the boat were from Eritrea and Somalia.

There were occasional reports, particularly from rural areas, that security forces detained and arrested the parents or spouses of individuals who evaded national service or fled the country.

During the year the government arrested between 200 and 300 members of unregistered religious groups, including members of Jehovah's Witnesses, on grounds of refusing to bear arms or serve in the militia because of their religious belief. Persons arrested in previous years for refusing to bear arms on grounds of conscience and for participating in unregistered religious groups remained in detention.

In March authorities released without explanation approximately 300 prisoners held since the mid-2000s.

Pretrial Detention: The government held numerous detainees without charge or due process. The percentage of the population of prisons and detention centers in pretrial detention was not available.

#### **e. Denial of Fair Public Trial**

The law and unimplemented constitution provide for an independent judiciary, but executive control of the judiciary continued, and the judiciary was not independent or impartial. Judicial corruption remained a problem. The Office of the President served as a clearinghouse for citizens' petitions to some courts. It also acted as an arbitrator or a facilitator in civil matters for some courts. The judiciary suffered from lack of trained personnel, inadequate funding, and poor infrastructure.

#### **Trial Procedures**

The law and unimplemented constitution provide for the presumption of innocence, for defendants to be informed promptly and in detail of charges, and for fair public trial by a court of law, but many detained persons were not brought to trial. No cases involving individuals detained for national security or political reasons were brought to trial during the year. The law does not specifically address the provision of adequate time to prepare one's defense, access to government-held evidence, the right of defendants to confront witnesses, or the right of defendants to refuse to testify, although courts afforded some of these rights to defendants.

In civil and criminal courts, defendants have the right to be present and to consult with attorneys, but the government generally did not provide legal aid to indigent detainees. Courts of first instance are at the regional level. Each party to a case has the right to one appeal. Decisions rendered by any regional court may be appealed to the next appellate court. Should that court reverse a decision, the party whose petition a court did not sustain can appeal to the five-judge upper appellate court. Should the lower appellate court uphold the decision of a regional court, there is no second appeal.

No lawyers practice in special courts, which deal with high profile cases and operate under the executive branch. Judges serve as prosecutors and may request

that individuals involved in given cases present their positions. Most trials in special courts were not open to the public.

Rural courts generally followed traditional and customary law rather than formal law and were headed by rural elders or elected officials. Local administrators in rural areas encouraged citizens to reconcile outside the court system for less serious cases. Community courts were widely used. Trials in rural courts were open to the public and heard by a panel of judges.

### **Political Prisoners and Detainees**

An international nongovernmental organization (NGO) reported that the government held at least ten thousand suspected political prisoners and prisoners of conscience, including opposition politicians, journalists, members of registered and unregistered religious groups, and persons suspected of not completing national service or evading militia practice. In addition the government detained and interrogated 900 to 1,200 individuals after military personnel briefly took over the Ministry of Information building on January 21. Authorities continued to detain at least 180 of these persons as of late in the year.

In March authorities released approximately 300 prisoners, including 33 Radio Bana staff members and several intellectuals, after detaining them without charge.

The government did not permit access to detainees by international humanitarian organizations. No new information was available regarding Eritrean diplomats and staff of foreign embassies and international organizations detained in previous years.

### **Civil Judicial Procedures and Remedies**

There are no civil judicial procedures for individuals claiming human rights violations by the government.

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

The law and the unimplemented constitution prohibit arbitrary interference with privacy, family, home, or correspondence, but the government did not respect these rights.

There were reports security force members targeted gatherings of unregistered religious groups and searched the homes of members and detained those suspected of belonging to religious groups not among the four permitted by law (Orthodoxy, Roman Catholicism, Sunni Islam, and Evangelical Lutheranism).

The government monitored mail, e-mail, text messages, and telephone calls without obtaining warrants, as the law requires. Government informers were widely believed to be present throughout the country. Many citizens believed the government monitored cell phones in particular, since permits are required to use SIM cards.

Membership in the PFDJ, the only legal political party, was not mandatory, but authorities pressured some categories of individuals, particularly those occupying government positions, to join the party. Authorities occasionally convoked citizens to attend political indoctrination meetings as part of mandatory participation in the militia irrespective of PFDJ membership. Authorities denied benefits such as ration coupons to those who did not attend. Some Eritreans in the diaspora claimed that convocations occurred at Eritrean embassies, with the names of those who did not attend reported to government officials, sometimes resulting in denial of benefits such as passport services.

Reportedly authorities occasionally visited refugee camps in Sudan and interrogated and seized “critical personnel” who had fled the country. In some cases they brought them back to Eritrea.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

Although the law and unimplemented constitution provide for freedom of speech and press, the government severely restricted these rights.

Freedom of Speech: The government severely restricted the ability of individuals to criticize the government in public or in private.

Press Freedoms: The law bans private broadcast media and foreign ownership of the media and requires that documents be submitted to the government for approval prior to publication. The government controlled all existing media, including one newspaper, three radio stations, and a television station. Official

media focused primarily on local issues, celebrations, descriptions of good moral practices, and profiles of national heroes.

The law requires journalists to be licensed. The law restricts printing and publication of materials. The printing of a publication by anyone lacking a permit and the printing or dissemination of prohibited foreign publications are both punishable by law. Government approval is required for distribution of publications from religious or international organizations.

The government allowed satellite dishes, and their use was common in Asmara, Massawa, and other cities, and increasingly in the countryside. As a result some individuals had access to international cable television networks, including several from Ethiopia, some of which the government reportedly jammed. In early February the government temporarily blocked Al Jazeera in some locations because of its coverage of diaspora demonstrations outside a number of Eritrean embassies. The government restored access to the channel throughout the country within two weeks. A number of satellite radio stations run by diaspora Eritreans, including Radio Erena, based in Paris, attempted to reach listeners in the country. Citizens could also receive radio broadcasts originating in Ethiopia.

Violence and Harassment: The government continued to detain journalists and others associated with the media. It did not provide information about their locations or health.

The government reportedly released on bail 33 of 39 Radio Bana staff members arrested in 2009. There was no information regarding the other six Radio Bana journalists or any other journalists assumed to remain in government detention.

Censorship or Content Restrictions: Most independent journalists remained in detention or lived abroad, which limited domestic media criticism of the government. Journalists practiced self-censorship due to fear of government reprisal. Authorities required journalists to obtain government permission to take photographs.

Libel Laws/National Security: Although the government did not use libel or national security laws to prosecute individuals, the government repeatedly asserted that national security concerns were the basis of limitations on free speech. Authorities occasionally held persons detained in relation to freedom of speech and press indefinitely without trial.

## **Actions to Expand Press Freedom**

In July, for the first time since 2010, the government allowed an international journalist to enter the country briefly.

## **Internet Freedom**

The government monitored some internet communications, including e-mail, without obtaining warrants. Internet users could choose from among five service providers, some of which were government owned. Internet cafes with limited bandwidth were available in Asmara and other major cities, but the vast majority of persons in the country did not have access to the internet. The use of internet cafes in Asmara was widespread. Internet users who needed larger bandwidth paid prices beyond the reach of many individuals.

Government informants frequented internet cafes during periods of unrest in nearby countries or when international media reported news about the country. The government discouraged citizens from viewing some opposition websites by labeling the sites and their developers saboteurs. Some citizens expressed fear of arrest if caught viewing such sites. Nonetheless, the sites were generally available.

## **Academic Freedom and Cultural Events**

The government restricted academic freedom and cultural events.

The government scrutinized activities at private secondary schools and, in some cases, denied visas to foreign teachers arbitrarily or presented impediments to proper administrative functioning. Some parents of students in private schools charged that educational quality suffered as a result of disputes between government officials and school administrators.

With few exceptions, secondary school students spent their last year of high school at the government's Sawa National Training and Education Center. Students had to complete military training at Sawa (or receive a medical or other waiver) before being allowed to take entrance exams for institutes of higher education. Authorities assigned those who took entrance exams to courses of study based on exam results instead of allowing them to choose their own educational paths.

The government sometimes denied passports or exit visas to students and faculty who wanted to study or do research abroad. Some persons claimed that authorities scrutinized academic travel for consistency of intent with government policies.

The government censored, canceled, or closed films and other cultural activities, including an EU screening of a film with a same-sex sexual orientation theme. It monitored libraries and cultural centers maintained by foreign embassies and in some instances questioned employees and citizen users. The government directly sponsored most major cultural events.

## **b. Freedom of Peaceful Assembly and Association**

### **Freedom of Assembly**

The law and unimplemented constitution provide for freedom of assembly, but the government restricted this right. For some public gatherings, the government sporadically required those assembling to obtain permits. Gatherings of large groups of persons without prior approval, with the exception of events such as weddings, funerals, and religious observances, were subject to investigation unless the gatherings appeared to be social in nature or occurred in the context of meetings of government-affiliated organizations. Gatherings appearing to be political or religious, with the exception of those previously mentioned, were subject to government interference.

### **Freedom of Association**

Although the law and unimplemented constitution provide for freedom of association, the government did not respect this right.

The government did not allow any political parties other than the PFDJ. It also prohibited the formation of associations except those with official sponsorship.

## **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt/](http://www.state.gov/j/drl/irf/rpt/).

## **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The law and unimplemented constitution provide for freedom of internal movement, foreign travel, emigration, and repatriation, but the government restricted all these rights. It often denied national service recruits passports and exit visas on grounds they had not completed their military duties.

The government provided limited cooperation with the Office of the UN High Commissioner for Refugees to provide protection and assistance. The government defined refugee status differently than the 1951 Convention and 1967 Protocol relating to the Status of Refugees. It did not recognize refugee status for Ethiopians or Sudanese, but provided protection to Somali refugees on a prima facie basis.

In-country Movement: The government requires citizens to notify local authorities when they change residence. When traveling within the country, particularly in remote regions or near borders, authorities asked citizens to provide justification for travel at checkpoints, which were few in number except in remote regions. Police and security personnel checked the documentation of passers-by in Asmara and along major highways in the aftermath of the January 21 brief takeover of the Ministry of Information. Authorities did the same in October to eliminate possible sources of citizen expressions of discontent over the government's response to the capsizing of a boat carrying migrants off the coast of Lampedusa, Italy.

Travel restrictions on noncitizens remained in effect. The government required all diplomats, humanitarian workers, UN staff, and foreign tourists to request permission from the government 10 days in advance to travel outside Asmara.

Foreign Travel: The government has the ability to restrict foreign travel, and requirements for obtaining passports and exit visas were inconsistent and nontransparent.

The government requires citizens and some foreign nationals to obtain exit visas to depart the country. Categories of persons most commonly denied exit visas included men under the age of 54, regardless of whether they had completed the military portion of national service, and women younger than 47. Some relaxation of exit visa requirements appeared to take place, including for medical purposes, allowing an unknown number of persons below the age cutoffs to leave the country. Those persons who reportedly had a better chance at obtaining exit permits included individuals who completed and whom authorities demobilized from national service, those exempt from national service, and those registered and participating in the citizen militia.

To prevent emigration, the government generally did not grant exit visas to entire families or both parents of children simultaneously. Some parents avoided seeking exit permits for children approaching the age of eligibility for national service due to concern that they would be denied permission to travel, although other adolescents were granted exit permits. Diaspora members who visited the country reported being required to pay a 2 percent tax on foreign earned income before being given exit visas.

Emigration and Repatriation: In general citizens had the right to return, but citizens residing abroad had to show proof that they paid the 2 percent tax on foreign earned income to be eligible for some government services, including passport renewals. Persons known to have broken laws abroad, contracted serious contagious diseases, or been declared ineligible for political asylum by other governments had their visas and visa requests to enter the country considered with greater scrutiny than others did.

Citizenship: The government considered persons of Eritrean descent to be citizens and did not recognize their possible citizenship in other nations, even if they were born outside the country.

The government did not grant consular access to detained dual citizens. In 1994 the government revoked citizenship of members of Jehovah's Witnesses due to their refusal to take part in the referendum on independence or participate in the military portion of national service. Members of Jehovah's Witnesses who did not perform military service were not able to obtain identification cards and thus were not eligible for government-sector jobs or for ration coupons to buy basic essentials at government-subsidized prices.

### **Protection of Refugees**

Access to Asylum: The law does not specifically provide for the granting of asylum or refugee status, although the government offered protection to some individuals from neighboring countries, predominantly Somali refugees. The government did not grant Ethiopians or Sudanese asylum, although it allowed them to remain in the country.

The government required noncitizens to pay an annual fee of 500 nakfa (\$33) for a residency card. The card demonstrated that a foreigner was not indigent.

Employment: There did not appear to be discrimination based on nationality in terms of employment or entitlements with the exception of resident Ethiopians, some of whom the government viewed as potential security risks.

Access to Basic Services: Individuals of Ethiopian origin living in the country sometimes claimed that they received social entitlements commensurate with their perceived degree of loyalty to the Eritrean government.

Durable Solutions: The government has not made local integration available to refugees in the country for a protracted period.

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

The law and unimplemented constitution provide citizens the right to change their government peacefully, but citizens were not able to exercise this right.

#### **Elections and Political Participation**

Recent Elections: The government came to power in a 1993 popular referendum, in which voters chose to have an independent country managed by a transitional government. This government did not permit the formation of a democratic system. The government twice scheduled elections in accordance with the constitution but cancelled them without explanation. An official declaration in 2003 asserted that, “in accordance with the prevailing wish of the people, it is not the time to establish political parties, and discussion of the establishment has been postponed.” Government officials also stated that implementation of the constitution was not possible until the border demarcation with Ethiopia was final.

Political Parties: The country is a one-party state. Power rested with the PFDJ and its institutions. At times the government coerced persons to join the PFDJ.

Participation of Women and Minorities: Women held four ministerial positions in the government: justice, labor and human welfare, tourism, and health. Women also served in other government positions, including as mayors and regional administrators.

Members of ethnic minorities served on the PFDJ’s Executive Council and the Central Council. Some senior government and party officials were members of minority groups. The head of the navy was an ethnic Afar.

#### **Section 4. Corruption and Lack of Transparency in Government**

Although the law provides criminal penalties for corruption by officials, official corruption was a problem and occurred with impunity.

Corruption: Persons seeking executive or judicial services sometimes reported that they obtained services more easily after paying a “gift” or bribe through a system of patronage and cronyism. Petty corruption within the executive branch was based largely on family connections and used to facilitate access to social benefits. Some persons who benefited from preferential treatment due to perceived loyalty to the government subsequently were denied services such as housing when their political loyalties appeared to change. Judicial corruption was also a problem, and authorities generally did not prosecute acts such as property expropriation when military or security officials or those seen as being in favor with the government were responsible.

The UN Monitoring Group on Somalia and Eritrea and others cited allegations that military leaders were involved in trafficking in persons. Members of the armed forces also reportedly engaged in illicit trade in arms and black market sales of goods such as diesel fuel and cement. There was some evidence members of the armed forces collaborated with members of the Ethiopian armed forces to facilitate emigration across the Ethiopian border. Military members also reportedly visited Eritrean refugees in camps in Sudan to offer illicit passage to third nations in exchange for the payment of large fees. Some who accepted passage under these circumstances claimed to have been abused.

There were reports of police corruption. Police occasionally used their influence to assist friends and family in facilitating their release from prison. Police reportedly demanded bribes to release detainees.

Reports indicated corruption existed in the government’s issuance of identification and travel documents, including in the passport office. Individuals requesting exit visas or passports sometimes had to pay bribes.

There were no government agencies or effective mechanisms to address allegations of official abuse, and impunity was a problem.

Whistleblower Protection: The law does not specifically provide protection to public and private employees for making internal disclosures or lawful public

disclosures of evidence of illegality, such as the solicitation of bribes or other corrupt acts, gross waste or fraud, gross mismanagement, abuse of power, or substantial and specific dangers to public health and safety. The government did not protect whistleblowers from retaliation.

Financial Disclosure: Public officials were not subject to financial disclosure laws.

Public Access to Information: Although the law and unimplemented constitution provide for public access to government information, the government did not, as a rule, release statistics or provide other information to either citizens or noncitizens.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

The government closed all international NGO offices in previous years. Civil society organizations were few and, other than those with official affiliations, lacked capacity.

UN and Other International Bodies: The government continued to restrict UN operations in the country. By requiring UN organizations to obtain permission for travel outside the capital, the government effectively controlled their access to rural areas, complicating routine monitoring of projects. UN agencies present in the country operated extensively throughout rural areas during the year following a January agreement on a Strategic Partnership Cooperation Framework. The focus of UN efforts was partnership toward achieving Millennium Development Goals. The government did not generally cooperate with the Monitoring Group on Somalia and Eritrea or the special rapporteur on the situation of human rights in Eritrea, but it did meet with the monitoring group on three occasions during the year and with the special rapporteur once.

The government permitted the ICRC to operate, although it limited ICRC operations to repatriation, providing shelter to families displaced by the conflict with Ethiopia, and providing assistance to internally displaced persons. It did not permit the ICRC to visit prisons or detention centers.

### **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The law and unimplemented constitution prohibit discrimination against women and persons with disabilities, and discrimination based on race, language, and social status, but the government did not enforce these provisions. The

constitution does not specifically address discrimination based on sexual orientation or gender identity.

## Women

Rape and Domestic Violence: Rape is a crime punishable by up to 10 years in prison. Gang rape or rape of a minor or an invalid is punishable by up to 15 years in prison. Sexual assault is punishable by six months to eight years in prison. The law does not specifically criminalize spousal rape. No information was available on the prevalence of rape, which citizens seldom reported to officials. There were frequent reports of rape in military training camps and during interrogations. Communities or families sometimes responded to reports of rape by encouraging the perpetrator to marry the victim, since victims of rape were often perceived as not marriageable.

Violence against women occurred, particularly in rural areas. While domestic violence is a crime, domestic violence cases rarely were brought to trial. Women sometimes refrained from openly discussing domestic violence because of societal pressures. Authorities rarely intervened due to a lack of trained personnel, inadequate funding, and societal attitudes. Traditional authorities, families, or clergy more commonly addressed such incidents.

Female Genital Mutilation/Cutting (FGM/C): See section 6, children.

Sexual Harassment: Sexual harassment is illegal, but cultural norms often prevented women from reporting such incidents. There was no record of any person ever being charged or prosecuted for sexual harassment.

Reproductive Rights: Couples and individuals are able to decide freely and responsibly the number, spacing, and timing of their children, and to have the information and means to do so free from discrimination, coercion, and violence. According to the UN Population Fund, the maternal death rate was an estimated 240 maternal deaths per 100,000 live births in 2010, with 28 percent of births attended by skilled health personnel. Five percent of women between the ages of 15 and 49 used a modern method of contraception. Access to government-provided contraception, skilled attendance during childbirth, prenatal care, essential obstetric care, and postpartum care was available, but women in remote regions sometimes did not seek or could not obtain the care they needed due to lack of transport, fuel, or awareness of opportunities.

Discrimination: Women have a legal right to equal educational opportunities, equal pay for equal work, and equal property rights. The percentage of men receiving access to education, economic resources, and employment exceeded that of women, particularly in rural areas. The Ministry of Labor and Human Welfare and the Ministry of Health are the primary government offices responsible for promoting legal rights of women along with the quasigovernmental National Union of Eritrean Women (NUEW).

## **Children**

Birth Registration: Citizenship is derived from having at least one Eritrean parent, and persons born abroad to at least one Eritrean parent also are considered citizens. Registration of a new birth within the first three months requires only a hospital certificate. After three months, parents must present themselves to judicial authorities with their child and three witnesses. If not registered, a child cannot attend school but can receive medical treatment at hospitals. An increasing number of persons registered their children within the three-month period.

Education: Education through grade seven is compulsory and tuition-free, although students' families were responsible for providing uniforms, supplies, and transportation. Education above grade seven required a nominal fee and was not compulsory. There was a shortage of schools and teachers at all levels. In rural areas parents did not enroll young girls as commonly in school as they did young boys, but the percentage of girls in school continued to increase.

The government requires all students who reach the final year of secondary school to attend grade 12 at the Sawa National Education and Training Center. Students who did not attend this final year did not graduate and could not enroll in colleges to pursue higher education, although they could attend vocational schools. Some persons who attempted to leave the country did so to avoid going to Sawa.

Child Abuse: There are no laws against child abuse. Local social welfare teams investigated circumstances reported to be abusive and counseled families when child abuse was evident. The society accepted physical punishment, particularly in rural areas.

Forced and Early Marriage: The legal minimum age for marriage for both men and women is 18, although religious entities may condone marriages at younger ages. The marriage rate for girls and boys under the age of 18 was not known. Girls in rural areas were particularly at risk for early marriage. The government

encouraged various semiofficial associations such as the NUEW and the National Eritrean Youth and Student Association to discuss the impact of early marriage and raise awareness among youth about its negative consequences. Female ministers spoke publicly on the dangers of early marriage and collaborated with UN agencies to educate the public regarding these dangers. Many neighborhood committees also were active on the problem.

Harmful Traditional Practices: The law prohibits FGM/C. According to UN agencies, government educational campaigns largely eliminated FGM/C in urban areas, but it continued in rural populations. In lowland areas families practiced infibulations, the most severe form of FGM/C. The government and other organizations, including the NUEW and the National Union of Eritrean Youth and Students, continued to sponsor a variety of education programs to discourage the practice.

Sexual Exploitation of Children: The law criminalizes child prostitution, pornography, and sexual exploitation. The minimum age for consensual sex is 18. Penalties for the commercial sexual exploitation of children included imprisonment. Crimes were seldom reported and punishments rarely exercised. Child prostitution occurred in Asmara and other cities. Authorities instructed the citizen militia to report evidence of the sexual exploitation of children to facilitate the arrest of patrons and pimps.

Child Soldiers: The law prohibits the recruitment of children under 18 into the armed forces. Younger children sometimes attended Sawa National Training and Education Center, and those who refused to attend with their cohort risked arrest. Students at Sawa were typically age 18 or older, although informal reports indicated some individuals there were as young as 16. Information was not available on whether persons who reached the last year of secondary school before they turned 18 were required to participate in military training at Sawa.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

### **Anti-Semitism**

Fewer than 10 Jews lived in the country. There were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/](http://www.state.gov/j/tip/).

### **Persons with Disabilities**

The law and unimplemented constitution prohibit discrimination against persons with disabilities in employment, education, or in the provision of other state services. The constitution did not specify the types of disabilities against which it prohibits discrimination. The government did not effectively enforce these prohibitions, although it did implement programs to assist persons with disabilities. No laws mandate access for persons with disabilities to public or private buildings, information, and communications. An increasing number of hotels and government offices provided such access or employed guards who offered assistance as needed. The Ministry of Labor and Human Welfare is responsible for protecting the rights of persons with disabilities including mental disabilities. The government dedicated substantial resources to support and train the thousands of men and women with physical disabilities resulting from the war for independence and the later conflict with Ethiopia.

### **National/Racial/Ethnic Minorities**

Governmental and societal discrimination continued against ethnic minorities, particularly against the nomadic Kunama, one of nine ethnic groups in the country, who resided primarily in the northwest.

Citizens in rural areas (where ethnic minorities were concentrated) received fewer basic services than those in Asmara, where the majority Tigrinya ethnic group primarily resided.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law criminalizes consensual same-sex sexual activity. The government did not enforce this law. Antidiscrimination laws relating to lesbian, gay, bisexual, or transgender (LGBT) persons do not exist. There are no hate crime laws or other criminal justice mechanisms to investigate bias-motivated crimes against LGBT individuals. There were no known LGBT organizations in the country. In general society stigmatized discussion of LGBT problems.

In the past the government accused foreign governments of promoting same-sex sexual orientation. Early in the year the government denied a foreign official's same-sex partner an entrance visa and gave the foreign official 48 hours to leave the country with no explanation. Foreign male tourists reported that hotel staff in different cities told them that men could not share a room. There were no reports of Eritrean men encountering this restriction.

### **Other Societal Violence or Discrimination**

There was no known societal violence or discrimination against persons with HIV/AIDS.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of workers to form and join independent unions, bargain collectively, and conduct legal strikes. The law prohibits antiunion discrimination and requires reinstatement of union leaders dismissed for union activity, but it does not provide equivalent protection for other workers dismissed for engaging in union activity. The law allows unions to be established in workplaces with at least 20 employees and requires a minimum of 15 members to form a union. The law requires new unions to receive prior authorization from the Ministry of Labor and Human Welfare, but deems registration granted in the absence of a response from the ministry within one month.

The government did not effectively enforce the applicable laws. There is a fine of 1,200 nakfa (\$80) for antiunion discrimination or acts of interference. According to the International Labor Organization's Committee of Experts on the Application of Conventions and Recommendations, this fine did not constitute an adequate protection. No corresponding penal provisions in the law specifically address labor violations.

The government did not respect freedom of association and the right to collective bargaining. There were no reports of strikes, collective bargaining, or government opposition to or approval of the formation of labor associations during the year. Unions existed for hotel workers, service personnel, agricultural professionals, and teachers, among other employment sectors.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits forced labor and slavery. The law's definition of forced labor excludes activities performed as part of national service or other civic obligations, and labor protections limiting hours of work and prohibiting harsh conditions did not apply to persons engaged in national service. The state of emergency, declared in 1998 because of a border war with Ethiopia, remained in effect during the year. As a result, despite the 18-month limit on national service under the law, the government did not demobilize many conscripts from the military as scheduled and forced some to serve indefinitely under threats of detention, torture, or punishment of their families.

The law provides penalties of five to 20 years' imprisonment for "enslavement." The law also provides penalties of imprisonment and fines for "violation of the right to freedom to work," which appears to covers situations of forced labor.

Under the law all citizens between the ages of 18 and 50 have the obligation to perform national service, with limited exceptions. The national service obligation consisted of six months of military training and 12 months of active military service and development tasks in the military forces for a total of 18 months or, for those unfit to undergo military training, 18 months of service in any public and government organ according to the person's capacity and profession.

Military service was routinely prolonged indefinitely. Persons performing national service could not resign from their jobs or take new employment, generally received no promotions or salary increases, and could not leave the country legally because they were denied passports or exit visas. Those conscripted into the military or other public works projects performed standard patrols and border monitoring, in addition to labor such as agricultural terracing, planting, road maintenance, and laying of power lines. Working conditions were often harsh and sometimes involved physical abuse.

In 2012 the government instituted a compulsory citizen militia, requiring persons not already in the military or being trained at Sawa military and educational camp, including many who had been demobilized or exempted from military service in the past, to carry firearms and attend military training.

The civilian militia program requires that some units carry out public works projects such as dam building, planting trees, and other activities deemed necessary by the government. Failure to participate in the militia and its uncompensated

public works efforts could result in detention or the government's withholding of a person's national identification card.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/](http://www.state.gov/j/tip/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The legal minimum age for employment is 14, although this restriction does not apply to self-employed workers. The law prohibits those under 18 from employment in categories including transport industries, work connected with toxic chemicals or dangerous machinery, or work underground or in sewers. This restriction does not apply to training. The government prohibits persons under age 18 from employment between 6 p.m. and 6 a.m. and for more than seven hours per day.

Labor inspectors from the Ministry of Labor and Human Welfare are responsible for enforcing child labor laws, but capacity was inadequate, inspections were infrequent, and penalties, if imposed, were arbitrary. Although the government had a national action plan to protect children from exploitation in the workplace, it did not enforce it effectively.

Children in rural areas commonly worked on family farms, fetched firewood or water, and herded livestock. In urban areas children worked as street vendors of cigarettes, newspapers, and chewing gum. Children also worked in small-scale manufacturing, garages, bicycle repair shops, metal workshops, and tea and coffee shops. They also transported grain or other goods via donkey cart. Child domestic service occurred. In Asmara begging by children and child prostitution occurred.

The government continued to require secondary school students in the ninth, 10th, and 11th grades to participate in summer work programs known as "maetot." News reports indicated students engaged in activities such as environmental conservation, agricultural activities (irrigation, maintenance of canals, and terracing), production and maintenance of school furniture, and hygiene. The government required all secondary school students to complete 12th grade at the Sawa National Education and Training Center.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

#### **d. Acceptable Conditions of Work**

The national minimum wage for employees of PFDJ-owned enterprises and government employees was 360 nakfa (\$24) per month. There was no national minimum wage for private sector workers. The government paid national service recruits according to a fixed scale, and the most common salary was 500 nakfa (\$33) per month. For some professions wages had not increased for more than a decade despite high inflation. The standard workweek was 44.5 hours, but employers sometimes required overtime without fair compensation. There were no prohibitions against excessive overtime. The law entitles workers to overtime pay, except for those employed under national service, but this was not always enforced. The legal rest period is one day per week, although most received one and a half days.

No published occupational health and safety standards existed. The Ministry of Labor and Human Welfare was responsible for ensuring worker safety and welfare. The Ministry employed inspectors, but the number was unclear. No regular enforcement mechanisms were in place, and no inspections of factories occurred to determine whether safety equipment was in use.

Information regarding abuses pertaining to wage, overtime, safety, and health standards was not generally available.