

ERITREA 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

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 the president, is the sole political party. There have been no national-level elections since an independence referendum in 1993.

Police are responsible for maintaining internal security, and the armed forces are responsible for external security, but the government sometimes used the armed forces, reserves, demobilized soldiers, or civilian militia to meet domestic as well as external security requirements. Agents of the national security service, which reports to the Office of the President, are responsible for detaining persons suspected of threatening national security. The armed forces have authority to arrest and detain civilians. Civilian authorities maintained effective control over most security forces.

Significant human rights issues included: forced disappearance, torture, and arbitrary detention, the preceding three actions all committed by the government; harsh and life-threatening prison and detention center conditions; political prisoners; arbitrary or unlawful interference with privacy; serious problems with the independence of the judiciary; the worst forms of restrictions on free expression and the press, including censorship and the existence of criminal libel laws; substantial interference with the rights of peaceful assembly and freedom of association; severe restrictions on religious freedom; widespread restrictions on freedom of movement; restrictions on political participation; trafficking in persons; criminalization of consensual same-sex sexual conduct; and forced labor, including forced participation in the country's national service program, routinely for periods beyond the 18-month legal obligation.

The government did not generally take steps to investigate, prosecute, or punish officials who committed human rights abuses. Impunity for such abuses was the norm.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

Contrary to prior years, there were no reports that the government or its agents committed arbitrary or unlawful killings.

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 make efforts to prevent the disappearances, or investigate or punish those responsible for such disappearances. The government did not regularly notify family members or respond to requests for information regarding the status of detainees, including locally employed staff of foreign embassies and foreign or dual nationals. Disappeared persons included those detained for political and religious beliefs, journalists, individuals suspected of evading national service and militia duties, and persons not known to have committed any offense.

There were no known developments regarding the situation or well-being of members of the G-15, a group of former ruling party members and officials who called for reforms, and journalists whom the government detained in 2001.

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

The law and the unimplemented constitution prohibit torture. Reports of torture, however, continued.

In August, Human Rights Watch (HRW) published a report documenting that security forces tortured and beat prisoners, army deserters, national service evaders, persons attempting to flee the country without travel documents, and members of certain religious groups.

Former prisoners described two specific forms of punishment by security forces known as “helicopter” and “8.” For “helicopter,” prisoners lie face down on the ground and their hands and legs are tied behind them. For “8,” they are tied to a tree. Prisoners were often forced to stay in either position for 24-48 hours, in some cases longer, and only released to eat or relieve themselves.

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.

In June a man in his thirties reportedly died after being tortured and medical assistance being delayed. He had been arrested for participating in the March 2018 burial of Hajji Musa Mohammed Nur, the director of an Islamic school.

In June the UN special rapporteur on the situation of human rights in Eritrea presented her report, which included testimonies indicating female detainees were at risk of rape, sexual abuse, and humiliation, particularly from prison guards.

Prison and Detention Center Conditions

Detention conditions reportedly remained harsh, leading to serious health damage and, in some instances, death, but the lack of independent access made accurate reporting problematic.

Physical Conditions: There were numerous official and unofficial detention centers, some located in military camps. The Ministry of Justice oversees prisons run by police, and the Ministry of Defense oversees those run by the military. The law requires 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 that center. When police arrested mothers, their young children sometimes were held with them. Severe overcrowding was common.

Data on the prevalence of death in prison and detention facilities were not available, although persons reportedly died from harsh conditions, including lack of medical care and use of excessive force. The government did not take action against persons responsible for detainee deaths.

Authorities held some detainees incommunicado in metal shipping containers and underground cells without toilets or beds. Use of psychological torture was common, according to inmates held in prior years. Some former prisoners reported authorities conducted interrogations and beatings within hearing distance of other prisoners to intimidate them. The government did not provide adequate basic or emergency medical care in prisons or detention centers, although a Western visitor reported seeing groups of prisoners at a private eye doctor for regular six-month check-ups. Food, sanitation, ventilation, and lighting were inadequate, and potable water was sometimes available only for purchase.

Former prisoners described prolonged food shortages that sometimes led to anemia or even the need for hospitalization. One former prisoner stated daily rations

consisted of two onions and two cans of tomato paste per person and six loaves of bread to be shared among 40 inmates. In another case food was not provided, and prisoners needed to rely upon family to provide food or for food to be smuggled in.

Former detainees and other sources reported harsh detention conditions in police stations and in prisons for persons held for evading national service and militia duties.

Authorities placed political prisoners in solitary confinement more often than other detainees.

Administration: Prisoners and detainees could not submit complaints to judicial authorities, and authorities did not adequately investigate or monitor prison or detention center conditions. There were no prison ombudsmen to respond to complaints.

Prisoners and detainees did not have consistent access to visitors. The government did not inform foreign embassies when their respective citizens were arrested, nor did it grant consular access to detained dual-national citizens. Authorities generally did not permit family visits with persons detained, arrested, or convicted for reasons purportedly involving national security, but it permitted visits with those held for other reasons. Authorities did not permit religious observance for some prisoners and detainees, although at least one detention center had a facility where authorities permitted inmates to conduct religious observances. Former prisoners reported some religious literature was considered contraband, and its possession could result in torture if a prisoner was caught with it. International religious organizations claimed authorities interrogated detainees regarding their religious affiliation and asked them to identify members of unauthorized religious groups.

Independent Monitoring: The government did not permit monitoring by independent government or nongovernmental observers or permit international bodies, including the International Committee of the Red Cross (ICRC), to monitor prison conditions during the year. The government also did not provide the ICRC with information about or access to Ethiopian and Djiboutian prisoners of war detained in the country.

d. Arbitrary Arrest or Detention

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

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, police may waive the process. 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. Authorities generally detained suspects for longer periods without bringing them before a judge, charging them with a crime, or telling them the reason for detention. Authorities sometimes arbitrarily changed charges during detention. In March the UN Human Rights Committee reviewed the country for the first time since 2002 and inquired about detainees, some of whom had been held since 2001, but it received no response from the government.

The law provides for a bail system, but bail was arbitrarily denied, bail amounts were capriciously set or not set, and release on bail sometimes involved paying bribes.

Detainees held on national security grounds did not have access to counsel. Other detainees, including indigent persons, often did not have such access either. Incommunicado detention was widespread. Detainees did not have routine access to visitors.

Arbitrary Arrest: Arbitrary arrest occurred frequently. Security force personnel detained individuals for reasons that included suspicion of intent to evade national and militia service, criticizing the government, attempting to leave the country, and unspecified national security threats. Authorities also continued to arrest members of unregistered Christian groups, including for their refusal to perform national service. On May 10, police reportedly arrested 127 evangelical Christians from unregistered denominations. On May 17, a total of 30 Pentecostal Christians were reportedly arrested during prayer meetings. Many of these individuals were reportedly released soon thereafter, but it was unknown how many, if any, remained in detention.

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 identify those unwilling to participate in the militia.

Persons arrested in previous years for refusing to bear arms on grounds of conscience and for participating in unregistered religious groups remained in detention.

Pretrial Detention: The government held numerous detainees without charge or due process. Detainees were not always told the reason for their arrest. Authorities brought few, if any, persons detained purportedly on national security grounds to trial. The percentage of the prison and detention center population in pretrial detention was not available.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Detainees were not able to challenge the lawfulness of detention before a court.

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 neither independent nor impartial. There are special courts charged with handling corruption cases, but there was no clarity on their structure or implementation. 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 unimplemented constitution provides for the right to a fair, timely, and public trial, with an exception that allows the court to exclude the press and public for reasons relating to morals or national security. In practice, however, the right to such a trial was generally not respected.

The unimplemented constitution provides for the presumption of innocence and for defendants to be informed promptly and in detail of charges in a language they understand. The law does not specifically address the provision of adequate time or facilities to prepare one's defense, the right of defendants to confront witnesses, or the provision of free interpretation from the moment charged through all appeals, although courts generally accorded these rights to defendants in cases

courts did not deem related to national security. There is no right for defendants to refuse to testify. Defendants have the right to be present and to consult with attorneys or to present their own evidence if they do not wish to have an attorney. Prosecution and defense lawyers have the right to present evidence and witnesses. Defendants can choose their attorney or else they will have one assigned to them. Those who are unable to pay for an attorney are not provided one at public expense.

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 the appellate court reverse a decision of the lower court, the party whose petition was not sustained may appeal to the five-judge upper appellate court. If the lower appellate court upholds the decision of a regional court, there is no second appeal.

Special courts have jurisdiction over both corruption and national security cases. Judges serve as prosecutors and may request that individuals involved in cases testify. Special court judges are predominantly military officials. The special courts report to the Ministry of Defense and the Office of the President. Trials in special courts are not open to the public, and the court's decisions are final, without appeal.

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

In 2015 the government published revised penal, criminal procedure, civil, and civil procedure codes. The codes had yet to be put into full effect by year's end. Some judges applied the new codes while others did not.

Political Prisoners and Detainees

The government continued to hold an unknown number of detainees without charge or trial, including politicians, journalists, members of registered and unregistered religious groups, and persons suspected of not completing national service or evading militia practice (see also section 1.b., Disappearance). Amnesty International estimated there were thousands of "prisoners of conscience and

political prisoners.” As with other prisoners, the government did not permit any access to political detainees.

In September 2018 security agents apprehended former finance minister Berhane Abrehe after he published a book criticizing the government. (His wife had previously been arrested for helping family members leave the country, but she was released in August.) In March the UN Human Rights Committee reviewed the country and asked specifically about Berhane’s condition, but the government did not respond.

Civil Judicial Procedures and Remedies

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

Property Restitution

In June the government seized without restitution 22 health centers operated by the Catholic Church. In September the government seized without restitution three secondary schools run by the Catholic Church. There were reports of illegal property seizure by military or security officials.

f. Arbitrary or Unlawful 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.

Many citizens believed the government monitored cell phones. Authorities required permits to use subscriber identity module (SIM) cards.

The government used an extensive informer system to gather information.

Without notice, authorities reportedly entered homes, threatened family members, and sometimes took fathers away without explanation. Reports stated that security forces detained and interrogated the parents, spouses, or siblings of individuals who evaded national service or fled the country.

Ruling party administration offices and their associated local militia units, composed of persons who had finished their national service but were still required to assist with security matters, reportedly checked homes or whole neighborhoods to confirm residents' attendance at national service projects.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

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

The law criminalizes libel as a misdemeanor and prescribes a punishment of between one and six months' imprisonment and a fine of between 5,000 and 20,000 nakfa (\$333-\$1,333). The law also criminalizes "malicious injury to honor or reputation," which covers true statements communicated solely to damage a person's reputation, and prescribes a punishment of less than one month in prison and a fine of 500 to 5,000 nakfa (\$33-\$333). It is unclear if these provisions were enforced.

Freedom of Expression: The government severely restricted the ability of individuals to criticize the government in public or in private through intimidation by national security forces.

Press and Media, Including Online Media: The law bans private broadcast media and foreign ownership of media and requires submission of documents, including books, to the government for approval prior to publication. The government controlled all domestic media, including one newspaper published in four languages, three radio stations, and two television stations.

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 under the law. Government approval is required for distribution of publications from religious or international organizations.

In September the Committee to Protect Journalists (CPJ) reported 16 journalists were in detention as of December 2018. The CPJ also reported up to seven journalists may have died while in custody.

The government did not prevent persons from installing satellite dishes that provided access to international cable television networks and programs. The use of satellite dishes was common nationwide in cities as well as villages. Access to South Africa's Digital Satellite Television (DStv) required government approval, and a subscriber's bill could be paid only in hard currency. Satellite radio stations operated by diaspora Eritreans reached listeners in the country. Citizens could also receive radio broadcasts originating in Ethiopia.

Violence and Harassment: The government did not provide information on the location or health of journalists it detained in previous years and who were held incommunicado.

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

National Security: The government repeatedly asserted national security concerns were the basis of limitations on free speech and expression.

Internet Freedom

The government monitored some internet communications, including email, without appropriate legal authority. Government informants frequented internet cafes. Some citizens expressed fear of arrest if caught viewing opposition sites. Nonetheless, the sites were generally available. During the summer the government closed several internet cafes using satellite connections instead of the state-owned telecommunications company Eritel, which is the only land-based internet service provider in the country.

Academic Freedom and Cultural Events

The government restricted academic freedom and cultural events.

With few exceptions, secondary school students must complete their final year of high school at the government's Sawa National Training and Education Center. Students also had to complete military training at Sawa to be allowed to take entrance exams for institutions of higher education (see section 6, Children).

The government sometimes denied passports or exit visas to students and faculty who wanted to study or do research abroad.

The government censored film showings and other cultural activities. It monitored libraries and cultural centers maintained by foreign embassies and in some instances questioned employees and users. The government directly sponsored most major cultural events or collaborated with various embassies and foreign cultural institutions in sponsoring musical performances by international performers.

b. Freedoms of Peaceful Assembly and Association

The government restricted freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

The law and unimplemented constitution provide for freedom of assembly, but the government restricted this right. For some public gatherings, the government intermittently required those assembling to obtain permits. Authorities subjected gatherings of large groups of persons without prior approval to investigation and interference, with the exception of events that occurred in the context of meetings of government-affiliated organizations; were social in nature; or were events such as weddings, funerals, and religious observances of the four officially registered religious groups.

Freedom of Association

The law and unimplemented constitution provide citizens the right to form organizations for political, social, economic, and cultural ends. It specifies their conduct must be open and transparent and that they must be guided by principles of national unity and democracy. The government did not respect freedom of association. It did not allow any political parties other than the PFDJ. It also prohibited the formation of civil society organizations except those with official sponsorship. The government generally did not allow local organizations to receive funding and other resources from, or to associate with, foreign and international organizations. In December the government approved the creation of the Society of Earth Scientists and Mining Engineers, a professional association dedicated to advancing science and engineering in Eritrea.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

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 citizens passports and exit visas because they had not completed their military or national service duties or arbitrarily for no given reason. The government restricted travel of children with foreign passports whom it considered Eritrean nationals.

In-country Movement: The government requires citizens to notify local authorities when they change residence, although many did not. When traveling within the country, particularly in remote regions or near borders, authorities required citizens to provide justification for travel at the few checkpoints.

Travel restrictions on noncitizens lawfully in the country remained in effect. The government required all diplomats, international humanitarian workers, UN staff, and foreigners to request permission from the government at least 10 days in advance to travel more than 15 miles (25 kilometers) outside of Asmara. During the year, however, the government on many occasions approved requests with less than 10 days' advance notice.

Foreign Travel: The government restricted foreign travel. The government required citizens, sometimes including dual nationals, to obtain exit visas. The government restricted travel of children with foreign passports whom it considered Eritrean nationals. Requirements for obtaining passports and exit visas were inconsistent and nontransparent. The government often denied citizens passports and exit visas because they had not completed their military or national service duties. Authorities generally did not give exit visas to children older than age five. Categories of persons most commonly denied exit visas included men younger than 40, regardless of whether they had completed the military portion of national service, and women younger than 30. For women, marriage status and children also played a role. Those citizens who previously qualified for international travel were permitted to travel to and from Ethiopia when flights between the two countries resumed. Between August 2018 and March, when the border was open, three crossing points between the country and Ethiopia offered limited opportunities for overland travel, in the absence of fully formed immigration and

customs procedures and infrastructure. For nationals of both countries, crossing these points did not require an entry visa, and Eritreans did not require exit visas or other travel documents.

Exile: In general citizens had the right to return, but citizens residing abroad had to show proof they paid the 2 percent tax on foreign earned income to the Ministry of Foreign Affairs to be eligible for some government services and documents, including exit permits, birth or marriage certificates, passport renewals, and real estate transactions. The government enforced this requirement inconsistently. There were reports of citizens who left the country without exit visas being denied re-entry.

Citizenship: Most members of Jehovah's Witnesses who did not perform military service continued to be unable to obtain official identification documents. They were not eligible for jobs in the formal economy or for ration coupons to buy essentials at government-subsidized prices.

e. Internally Displaced Persons

Not applicable.

f. Protection of Refugees

Abuse of Migrants, Refugees, and Stateless Persons: The government terminated its cooperation with the UN High Commissioner for Refugees regarding treatment of refugees inside the country in March. The government defined refugee status differently than do the 1951 Convention and its 1967 Protocol Relating to the Status of Refugees. It did not recognize Ethiopians or Sudanese as refugees, instead considering them economic migrants. The government, however, allowed these refugees to remain in the country and granted them residency permits.

The government took steps to downsize the Umkulu Refugee Camp. Of the more than 2,100 refugees housed at the camp in mid-June, only 700 remained in the country at the end of July. At least 1,300 of those refugees travelled to Ethiopia after Eritrean government officials urged them to do so.

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees. The government did not grant Ethiopians or Sudanese asylum, although it allowed them to remain in the country.

Freedom of Movement: Most Somalis at Umkulu Refugee Camp could travel throughout the country.

Employment: Refugees were not granted formal work permits, but some worked informally.

Access to Basic Services: Persons of Ethiopian and Sudanese origin living in the country sometimes claimed they received social entitlements commensurate with the perceived degree of their loyalty to the government, including ration coupons to buy essentials at government-subsidized prices.

Ethiopians, Sudanese, and Somalis were able to access basic government services upon procuring and presenting residency permits.

Durable Solutions: The government did not grant persons of Ethiopian and Sudanese origin asylum or refugee status; however, authorities permitted them to remain in the country and to live among the local population instead of in a refugee camp. Authorities granted them residency permits that enabled them to access government services. Authorities granted Sudanese and Ethiopians exit visas to leave the country for resettlement and study.

g. Stateless Persons

Not applicable.

Section 3. Freedom to Participate in the Political Process

The law and unimplemented constitution provide citizens the ability to choose their government in free and fair periodic elections, held by secret ballot and based on universal and equal suffrage, but they were not able to exercise this ability.

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 canceled them without explanation. An official declaration in 2003 asserted, “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.” Communities elect area administrators, magistrates, and managing directors.

Political Parties and Political Participation: The country is a one-party state. Political power rested with the PFDJ and its institutions. Membership in the PFDJ was not mandatory, but authorities pressured some categories of individuals, particularly those occupying government positions, to join the party. Authorities reportedly visited citizens in their homes after they completed national service and compelled them to join the party and pay the required fees. 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 citizens in the diaspora claimed 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.

Participation of Women and Minorities: No laws limit the participation of women or members of minority groups in the political process, and they did participate.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively. Officials sometimes engaged in corrupt practices with impunity.

Corruption: Persons seeking executive or judicial services sometimes reported they obtained services more easily after paying a “gift” or bribe. Patronage, cronyism, and petty corruption within the executive branch were based largely on family connections and used to facilitate access to social benefits. Judicial corruption was a problem, and authorities generally did not prosecute acts such as property seizure by military or security officials or those seen as being in favor with the government.

There were reports of police corruption. Police occasionally used their influence to facilitate the release from prison of friends and family members. Police demanded bribes to release detainees.

Financial Disclosure: The law does not subject public officials to financial disclosure.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

International civil society organizations focused on human rights were generally not able to operate in the country. The government generally did not cooperate with such groups or with investigations into human rights abuses. No local human rights nongovernmental organizations (NGOs) operated in the country (see section 2.b., Freedom of Association).

The government permitted the ICRC to operate but limited its operations to supporting Ethiopian repatriation and vulnerable Ethiopian residents; implementing assistance projects (water, agriculture, and livestock) for persons living in the regions affected by conflict; disseminating information on international humanitarian law to students and government officials; and connecting separated family members living abroad to their family members in the country through the country's Red Cross. Authorities did not permit the ICRC to visit prisons or detention centers.

The United Nations or Other International Bodies: The government did not permit visits by the UN special rapporteur on human rights in Eritrea. In June the special rapporteur reported that since her appointment in October 2018, the government had remained opposed to cooperating with her mandate on substantive issues, in addition to refusing to grant her access to the country, thus limiting her ability to provide further information on current conditions.

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

Women

Rape and Domestic Violence: Rape is a crime punishable by up to 10 years in prison if convicted, or up to 16 years in aggravated cases (such as those that inflict serious bodily injury, involve a minor or someone under the perpetrator's care, or involve a group of perpetrators). The law makes no distinction as to the genders of the assailant or the victim. Rape between spouses is punishable only where the spouses have permanently separated.

While the law does not specifically criminalize domestic violence, assault carries a punishment that varies based on the seriousness of the crime, ranging from nine

months to 19 years in prison. Authorities rarely intervened in domestic violence cases.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C for both women and girls. Government efforts to reduce FGM/C included public awareness campaigns at the local level targeting religious and community leaders. Government reports stated regions and subzones were considered 100 percent free of FGM/C practices. Local UN representatives confirmed that the government took FGM/C seriously as a problem and acted credibly to combat the practice. The UN Population Fund worked with the government and other organizations, including the National Union of Eritrean Women and the National Union of Eritrean Youth and Students, on a variety of education programs to discourage the practice. For more information, see Appendix C.

Sexual Harassment: The law does not specifically criminalize sexual harassment.

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: Family, labor, property, nationality, and inheritance laws provide men and women the same status and rights. The law requires equal pay for equal work. Nevertheless, women, particularly in rural areas, continued to face economic and social discrimination. The government did not enforce the law effectively.

Children

Birth Registration: A child derives citizenship from having at least one citizen parent, whether the person is born in the country or abroad. Registration of a birth within the first three months requires only a hospital certificate. If not registered, a child may not be allowed to attend school but may receive medical treatment at hospitals. For additional information, see Appendix C.

Education: Education through grade seven is compulsory and tuition free, although students' families were responsible for providing uniforms, supplies, and transportation. Access to education was not universal, but the government took steps to encourage attendance, including public awareness campaigns and home visits by school officials. In rural areas parents enrolled fewer daughters than sons in school, but the percentage of girls in school continued to increase.

Child Abuse: The law provides that assault of a person incapable of defending oneself or against a person for whom the assailant has an obligation to give special care is an aggravated offense. The law also criminalizes child neglect, with a punishment between one and six months' imprisonment.

Early and Forced Marriage: The legal minimum age for marriage for both men and women is 18, unless the woman is pregnant or has already had a child, in which case the minimum for both is 16. The minister of justice or someone appointed by the minister may also waive the age requirement. There are no current statistics on early marriage. Officials spoke publicly on the dangers of early marriage and collaborated with UN agencies to educate the public regarding these dangers, and many neighborhood committees actively discouraged the practice. For additional information, see Appendix C.

Sexual Exploitation of Children: The law criminalizes most commercial sexual exploitation and practices related to child pornography. The use of a child for prostitution, however, is not specifically criminally prohibited. The minimum age for consensual sex is 18.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

There were no reports of anti-Semitic acts, and the country's sole remaining Jew maintained the sole synagogue.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law and unimplemented constitution prohibit discrimination against persons with disabilities. The government implemented programs to assist persons with disabilities, especially combat veterans, and dedicated substantial resources to

support and train thousands of persons with physical disabilities. No laws mandate access for persons with disabilities to public or private buildings, information, and communications. There were separate schools for children with hearing, vision, mental, and intellectual disabilities. Most of these schools were private; the government provided some support to them. The Ministry of Labor and Human Welfare is responsible for protecting the rights of persons with disabilities, including mental disabilities.

National/Racial/Ethnic Minorities

Governmental and societal discrimination was believed to continue against ethnic minorities, particularly against the nomadic Kunama and the Afar, two of nine ethnic groups in the country.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

The law criminalizes consensual same-sex sexual activity “or any other indecent act,” which is punishable if convicted by five to seven years’ incarceration. The government did not actively enforce this law. Antidiscrimination laws relating to lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons do not exist.

There were no known LGBTI organizations in the country.

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 unions, bargain collectively, and conduct legal strikes. The law prohibits antiunion discrimination and requires reinstatement of workers dismissed for legally sanctioned union activity. The law allows for the establishment of unions in workplaces with at least 20 employees and requires a minimum of 15 members to form a union. Workers from multiple smaller worksites, however, can band together to create a “general association,” if there are at least 20 members. The law requires prior authorization from the Ministry of Labor and Human Welfare to establish a union, but it deems registration granted if the ministry does not respond within one month.

The government did not adequately enforce the law, and penalties and legal protections against antiunion interference and acts of interference were insufficient

to deter violations. Civil servants as well as domestic workers were not fully covered by labor laws.

The government did not respect freedom of association and the right to collective bargaining in practice. Authorities did not allow nongovernmental meetings of more than seven persons. There is one umbrella trade union, the National Confederation of Eritrean Workers (NCEW), established in 1979 as the trade union wing of the Eritrean People's Liberation Front. The NCEW was not wholly independent, because it was directly linked to the ruling party. The NCEW's member union represents hotel workers, service personnel, agricultural professionals, and teachers, among other occupations. The NCEW reported that labor boards, made up of representatives from the union, the workers, and the Ministry of Labor and Human Welfare, address grievances before the likelihood of strikes emerges. Employees of the Bisha mine (which was 60 percent foreign owned and managed, 40 percent government owned), however, have a nongovernmental union.

In general no NGOs played a significant role in promoting the rights of workers in the country.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced labor and slavery. The government enforced these laws within private industry, and penalties were sufficient to deter violations; however, the legal definition of forced labor excludes activities performed under national service or other civic obligations, compulsory labor for convicted prisoners, and communal services rendered during an emergency. Labor protections limiting hours of work and prohibiting harsh conditions do not apply to persons engaged in national service.

By law all citizens between ages 18 and 50 must perform national service, with limited exceptions. The national service obligation consists of six months of military training and 12 months of active military or civilian national service, for a total of 18 months, or for those unfit to undergo military training, 18 months of service in any public and government organ. The law provides for assignment to a job category according to the person's capacity and profession, but this was not always followed in practice. There is no provision for alternative service for conscientious objectors.

Forced labor occurred. Despite the 18-month legal limit on national service, the government did not demobilize many conscripts from the military or from civilian national service as scheduled and forced some to serve indefinitely under threats of detention, torture, or punishment of their families. Persons performing national service could not resign or take other employment, generally received no promotions or salary increases, and could rarely leave the country legally because authorities denied them passports or exit visas. Those conscripted into the national service performed standard patrols and border monitoring in addition to labor such as agricultural terracing, planting, road maintenance, hotel work, teaching, construction, and laying power lines, as well as many office jobs in government ministries and agencies and in state-owned enterprises. There were reports that some conscripts were additionally required to perform manual labor on national service projects unrelated to their assignment and for which they received no overtime payment.

The government required those not already in the military to attend civilian militia training and carry firearms, including many who were demobilized, the elderly, or persons otherwise exempted from military service in the past. Failure to participate in the militia or national service could result in detention. Militia duties mostly involved security-related activities, such as airport or neighborhood patrolling. Militia training involved occasional marches and listening to patriotic lectures.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

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 children working outside of formal relationships, including self-employed workers. The government prohibits persons younger than age 18 from employment between 6 p.m. and 6 a.m. and for more than seven hours per day. The government has not determined by national law or regulation the types of hazardous work prohibited for children.

Labor inspectors from the Ministry of Labor and Human Welfare are responsible for enforcing child labor laws, but inspections were infrequent, and penalties, if imposed, were arbitrary and generally insufficient to deter violations.

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

The government continued to require secondary school students in the ninth, 10th, and 11th grades to participate in the Summer Work Program. News reports stated students planted trees under a larger environmental program. They also served as crossing guards in urban areas. In past years this program included school and hospital maintenance. Students work for four to six hours a day, five days a week, and at least some students were given a small stipend (150 nakfa (\$10) for their participation. Reports indicated students who did not participate in the work program were charged fines, and those who did not pay were not permitted to enroll in school during the next academic year.

To graduate from high school and meet the requirements of national service, students are required to complete their final year of schooling (12th grade) at Sawa military complex. Students spend nearly half of the year at Sawa engaged in mandatory military training, which includes military discipline and procedures, weapons training, a survival exercise, and a two- to four-week war simulation. Although the National Service Proclamation establishes 18 years of age as the minimum age for compulsory military training, some students entering 12th grade at Sawa were reportedly as young as age 16. In addition some students are forced to conduct agricultural activities on government-owned farms.

Furthermore the military occasionally performs identity checks that have resulted in the imprisonment of children alleged to be attempting to evade compulsory national service and the forced underage recruitment of children, some as young as age 14, into the military.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

d. Discrimination with Respect to Employment and Occupation

With respect to employment and occupation, labor laws prohibit discrimination based on race, color, sex, disability, social origin, nationality, political orientation,

or religion. The law does not prohibit discrimination on the basis of sexual orientation or gender identity, HIV-positive status, language, or age.

Discrimination against women was common in the workplace and occurred in an environment of impunity. The law does not criminalize sexual harassment (see section 6, Women).

e. Acceptable Conditions of Work

The national minimum wage for employees of PFDJ-owned enterprises and government employees was below the international poverty line. There was no national minimum wage for private-sector workers. The law provides for a standard workweek of 48 hours and no more than two hours per day of overtime, but it includes exceptions for when someone is missing or when there is “urgent work.” The law entitles workers to overtime pay, except for those employed in national service, but this was not always enforced. The legal rest period is one day per week, although most employees received one and one-half days. The government did not effectively enforce the law, and penalties were not sufficient to deter violations.

No published occupational health and safety standards existed. Each government enterprise has a separate agreement with the local union defining the work standards, including occupational health and safety regulations, for that enterprise. There were 168 government enterprises in the country, accounting for most large-scale employers.

The Ministry of Labor and Human Welfare is responsible for worker safety and welfare. The ministry employed inspectors, but the number was unclear and likely insufficient. The National Confederation of Eritrean Workers reported that every enterprise has an inspection at least once per year that is then reviewed by the enterprise, the union, and the ministry.

Approximately 80 percent of the population was employed in subsistence farming and small-scale retail trading. There were no reliable data on the informal economy and no effective mechanisms for monitoring conditions or protecting workers in the informal economy.

The government did not report information regarding abuses pertaining to wage, overtime, safety, and health standards.