



Eritrea

Country Reports on Human Rights Practices - 2002

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Eritrea is a one-party state that became independent in 1993, following an internationally monitored referendum in which citizens voted overwhelmingly for independence from Ethiopia. The Eritrean People's Liberation Front (EPLF), which led the 30-year war for independence, has controlled the country since it defeated Ethiopian armed forces in 1991; its leader, Isaias Afwerki, served as the President. The EPLF became the People's Front for Democracy and Justice (PFDJ) and redefined itself as a political party in 1994; it is the sole political party in the country. Elections, which were first postponed 1997, were postponed again in December 2001. Government officials stated that the elections were delayed because of continuing tensions with Ethiopia and problems caused by dissidents and the press. The Government created an electoral commission that was charged with setting a new date for elections; however, the commission had not set the date for elections by year's end. The Constitution, ratified in 1997, provides for democratic freedom; however, its provisions were not implemented by year's end. The judiciary formally was independent; however, it was weak and subject to executive interference.

The police were responsible for maintaining internal security, although the Government could call on the armed forces, the reserves, and demobilized soldiers in response to both domestic and external security requirements. These forces were under the full control of, and responsive to, the Government. In 1998 fighting broke out between the armed forces and Ethiopian militia along the border, which led to a 2-year war with Ethiopia. The Government responded to the escalating military conflict by calling up reserves and increasing its armed forces to approximately 300,000 soldiers. In addition to the war with Ethiopia, the army was engaged in a low-intensity conflict with the Eritrean Islamic Jihad (EIJ), a small, Sudan-based insurgent group that has mounted attacks in the north and west since 1993. Some members of the security forces committed serious human rights abuses.

While trade, services, and manufacturing accounted for the greatest portion of gross domestic product, the rural economy was based largely on subsistence agriculture, and more than 70 percent of the population of 3.6 million was engaged in farming and herding. The economy recovered somewhat from the severe disruption inflicted in 2000 by the conflict with Ethiopia, which resulted in the dislocation of more than 1 million persons, an almost four-fold rise in inflation, an increased fiscal deficit, a drop in economic activity, increased pressure on the local currency as foreign exchange reserves fell, and a severe drop in agricultural production that increased the country's dependence on food donations, up to 50 percent of total food requirements. During the year, inflation fell to approximately 9 percent from 15 percent in 2001, and economic growth rose to 9 percent from 7 percent. The continued integration of as many as 75,000 Eritreans or Ethiopians of Eritrean origin deported from Ethiopia, 52,000 long-term Eritrean refugees from camps in Sudan, and an unknown number of internally displaced persons (IDPs), continued to burden the economy. In addition, much of the skilled labor force continued to serve in the national service. The majority of national service was military but some persons worked in civilian government jobs. International economic assistance accounted for a major portion of external revenues. Remittances from citizens who lived abroad also provided an important source of external revenues, estimated at approximately \$300 million per year. The country had an annual per capita income of less than \$200, and approximately one-third of the population depended on foreign emergency assistance.

The ruling party, the PFDJ, continued to exert a strong economic influence through various investments and party-owned businesses.

The Government's poor human rights record worsened, and it continued to commit serious abuses. Citizens did not have the ability to change their government, which was controlled completely by the PFDJ. There were some reports, difficult to confirm, that the police occasionally resorted to torture and physical beatings of prisoners, particularly during interrogations, and police severely mistreated army deserters and draft evaders. The Government generally did not permit prison visits by local or international human rights groups. The Government allowed the International Committee of the Red Cross (ICRC) access to Ethiopian civilian detainees and POWs, although all POWs and almost all Ethiopian civilians were released from detention by year's end. Arbitrary arrests and detentions continued to be problems; an unknown number of persons were detained without charge, some incommunicado, because of political opinion, suspected association with the Ethiopian Mengistu regime, radical Islamic elements, or terrorist organizations. The judiciary was weak and subject to executive influence and lacked the resources to provide speedy trials. The use of a special court system limited due process. The Government infringed on the right to privacy. The Government severely restricted freedom of speech and press, including the rights of the religious media. There were limits on freedom of assembly. The Government restricted the freedom of religion. The Government restricted freedom of movement. Violence and societal discrimination against women continued to be problems, and female genital mutilation (FGM) remained widespread despite government efforts to discourage the practice. Jehovah's Witnesses and members of the Kunama ethnic group also faced some government and societal discrimination. The Government restricted workers' rights. There were unconfirmed reports of forced labor. Child labor occurred.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The Government continued to deploy military police throughout the country using roadblocks, street sweeps, and house-to-house searches to find deserters and draft evaders (see Section 1.d.). The Government continued to authorize the use of deadly force against anyone resisting or attempting to flee. There were reports of resistance, especially by parents of draft-age girls, which resulted in the deaths of both soldiers and civilians.

No action was taken in the 2001 cases in which two students died in detention of by heat-related causes as a result of a forced summer work program. There were reports that the living conditions during the program were made more severe purposely to punish students for protesting against the program; however, the university summer program did not take place during the year.

There were reports that at least one POW died of disease during the year (see Section 1.c.).

According to the Government Commission for Coordination with the U.N. Peacekeeping Mission, there were an estimated 3 million landmines and unexploded ordnance in the country, including between 500,000 and 1 million landmines from the 1962-91 war for independence. The EIJ or others laid some new mines. The U.N. reported 48 deaths from landmine incidents between January and September, compared with 63 deaths in 2001, 142 in 2000, and more than 350 in 1999. It was not clear whose landmines were responsible for these casualties. It was probable that there were additional, unreported deaths in remote areas.

No reported action was taken, nor was any likely to be taken, against the camp guards who killed approximately 30 Ethiopian detainees at a camp in Wia in 2000.

In 2000 the Government deported thousands of Ethiopians to Ethiopia under difficult and dangerous conditions, which resulted in a number of deaths. A few deportees reportedly disappeared and were believed to have died. After the end of the war with Ethiopia in August 2000, forced, mass deportations stopped.

b. Disappearance

There were unconfirmed reports of politically motivated disappearances.

During the year, it was reported that journalists who had been missing reportedly were in government custody (see Section 2.a.).

There were no developments in the August 2001 disappearance of four ethnic Kunama or the September 2001 case in which the Government arrested 11 senior PFDJ and National Assembly members, whose whereabouts remained unknown at year's end (see Section 2.a.).

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

The transitional Penal Code prohibits torture; however, there were some unconfirmed reports that the police at least occasionally resorted to torture and physical beatings of prisoners, particularly during interrogations. During the year, the police severely mistreated and beat army deserters and draft evaders. The police subjected deserters and draft evaders to various military disciplinary actions that included prolonged sun exposure in temperatures of up to 113 degrees Fahrenheit or the tying of the hands and feet for extended periods of time (see Section 1.d.).

There were reports that women drafted to the national service were subjected to sexual harassment and abuse.

Unlike in the previous year, there were no reports that students were hospitalized as a result of participating in a mandatory summer work program, which was terminated during the year.

During the year, there were dozens of reported injuries from landmines and unexploded ordinance. It is probable that there were additional, unreported injuries that occurred in remote areas.

No action was taken, nor was any likely to be taken, against the guard at the Keren detention facility, who in 2000 shot and injured an Ethiopian detainee.

In 2000 the Government deported to Ethiopia thousands of Ethiopians under potentially difficult and dangerous conditions without the participation of the ICRC (see Section 2.d.). Some reportedly disappeared or died. The deportations stopped in August 2000 after the end of the war with Ethiopia. In 2000 there were some instances in which private Eritrean individuals threatened and beat Ethiopians. It was not known if any police action was taken in these cases. In some cases, police intervened too late to prevent the abuse or were unable to halt it. During the year, abuse of Ethiopians by individuals was not systematic, and there were fewer cases than in the previous year.

Prison conditions remained Spartan. The Government permitted three visits per week by family members. There were no confirmed reports that any prisoners died due to lack of adequate medical care. Women and men were held in separate facilities. There were no juvenile detention centers or correction facilities, and juvenile offenders often were incarcerated with adults. Pretrial detainees generally were not held separately from convicted prisoners; however, in some cases, detainees were held separately. For example, the "Group of 15" political detainees and others detained on national security grounds were thought to be held separately, although their whereabouts remained unknown. These political detainees were denied visitors during the year.

During the year, the Government returned 303 Ethiopian POW's to Ethiopia. On August 29, the Government handed over the last group of ICRC-documented POWs in the country. The condition of the POWs was generally good; however, at least one POW died of illness during the year.

The Government allowed the ICRC to visit and register Ethiopian civilian detainees in police stations and prisons; however, the ICRC was not permitted to visit the unknown number of Ethiopian soldiers who the Government claimed were deserters from the Ethiopian army. Neither the ICRC nor local groups were permitted to monitor prison conditions.

During the year, there were reports that some of the 14 Sudanese prisoners arrested in 1994 could have been released in previous years. No further action was likely to be taken in this 1994 case (see Section 1.d.). There also was a report that additional, prolonged detentions of Sudanese nonpolitical prisoners continued during the year.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention were serious problems. The Penal Code stipulates that detainees may be held for a maximum of 30 days without being charged with a crime. In practice the authorities sometimes detained persons suspected of crimes for much longer periods. The Government held numerous pretrial detainees during the year. The Government continued to detain a small number of Ethiopians during the year; however, the majority were prisoners who were convicted of common crimes.

During the year, human rights observers documented at least six examples of arbitrary arrest, including of relatives of the previously detained "G-15" group and diplomats who were called back from their posts. At least four of these detainees, in addition to many detained in previous years, remained in prison without charges at year's end. There also were unconfirmed reports of other arrests during the year.

During the year, the Government deployed military police throughout the country using roadblocks, street sweeps, and house-to-house searches to find deserters and draft evaders (see Section 1.a., 1.c., and 1.f.). The military police detained persons who had not completed their national service requirement, and those who had evaded previous drafts (see Sections 1.f. and 6.c.). There was a general public perception that these round-ups were directed particularly at female draftees. This perception caused significant anxiety and individual complaint throughout society but no organized protests. In some instances, authorities arrested and detained for several hours or even days individuals, including pregnant women, children under age 18, and citizens of other countries, who were not subject to national service obligations or had proper documentation showing they had completed or were exempt from national service. The few deportees of Eritrean origin from Ethiopia who could not demonstrate their ties to the country were issued documents that identified them as Ethiopians, which permitted them to stay in the country (see Section 2.d.). Government and army officials reportedly considered these Ethiopian deportees to be citizens who were trying to avoid national service. As a result, they were subjected to harassment and detention while the authorities checked their status.

In 2000 authorities detained two journalists who reportedly were inducted into the military to fulfill their national service obligations and remained in the army at year's end. Approximately four Jehovah's Witnesses remained in detention without charge for failing to participate in national service; some had been detained for more than 5 years without charge (see Section 2.c.).

In July 2001, the Government arrested the president of the independent Asmara University Students' Association; he remained in detention without charge until he escaped in August. Most observers believe he was arrested for leading student opposition against the Government's requirement that university students participate in a summer work program (see Section 6.c.). The summer work program for university students was not held during the year in response to intense criticism when two students died during the 2001 program while working in harsh desert conditions (see Section 1.a.).

There were unconfirmed reports that the Government continued to hold numerous members of the Eritrean Liberation Front (ELF), an armed opposition group. Authorities sometimes arbitrarily arrested and detained former combatants or members of the PFDJ who violated an unwritten code of conduct (see Section 1.e.).

During the year, there were reports that some of the 14 Sudanese prisoners arrested in 1994 may have been released in previous years. No further action is likely to be taken in this case (see Section 1.c.).

The Government continued to arrest sporadically individuals with known or perceived ties to political dissidents. It was estimated that a total of 80 political dissidents were detained at year's end.

There were no developments in the following 2001 cases: The September arrest of approximately 10 journalists and editors from independent newspapers who remained in detention without charge and without access to visitors (see Section 2.a.); the September arrest and incommunicado detention of 11 senior PFDJ and National Assembly members, including former Cabinet ministers and army generals, who were part of the Group of 15 and whose whereabouts remained unknown (see Section 2.a.); the September and October arrest of several elders who remained in detention without charge; and the October arrest of two local employees from a foreign embassy who remained in detention without charge and without access to visitors.

In addition to the arrests in September 2001, the Government arrested other individuals, many of them with known or perceived ties to political dissidents, and detained them without charge and without access to visitors at year's end.

There were no developments in the 2000 arrest of a journalist for the newspaper Tsigenai who remained in detention without charge at year's end or the 2000 case in which several members of the Kunama ethnic group who were detained without charges on suspicion of collaborating with Ethiopian forces.

An unknown number of persons suspected of association with the Ethiopian Mengistu regime, radical Islamic elements, or suspected terrorist organizations remained in detention without charge, in some cases for years.

There was no information available, nor is any likely to become available, on the several members of the Kunama ethnic group who were detained without charges on suspicion of collaborating with Ethiopian forces in 2000.

An unknown but believed to be small number of Ethiopians, particularly men, were thought to be held in police stations, prisons, and jails in Asmara and possibly in other areas. The Government stated that Ethiopians detained in such places were in detention because they had committed a crime or legal infraction. International monitors had access to the majority of detainees in police stations and jails. In May 122 Ethiopian civilians who had been detained in Massawa were repatriated by the ICRC. The Government previously had denied holding them.

The Government generally did not use exile as a means of political control, and the law has no provisions concerning exile. The Government continued to repatriate Ethiopians to Ethiopia. By December 2001, the Government had repatriated more than 21,000 Ethiopians to Ethiopia. All of these persons were repatriated voluntarily and with ICRC participation (see Section 2.d.).

e. Denial of Fair Public Trial

The judiciary was formally independent; however, it was weak and subject to executive interference. The continued use of an executive special court system allowed executive interference with the judicial process. In addition, the judiciary relied on the Ministry of Justice for logistical and budgetary support, which further limited its independence. In August 2001, the Minister of Justice fired the president of the High Court after he publicly complained of executive interference with the High Court.

The judicial system had three parts: Civilian, military, and special courts. The civilian court system consisted of village courts, subregional courts, regional courts, and the High Court, which also served as an appellate court. The developing judicial system suffered from a lack of trained personnel, inadequate funding, and poor infrastructure that, in practice, limited the Government's ability to grant accused persons a speedy trial. At independence the Government chose to retain the Ethiopian legal system but made some modifications to it. The Government developed new commercial, penal, and criminal codes, which remained ready for ratification by the National Assembly, although ratification had not occurred by year's end. A new civil code was drafted during

2001; however, it was not enacted by year's end.

Under the legal system, minor infractions were brought to village courts and subregional courts. More serious offenses were argued before regional courts, and cases involving murder, rape, and other serious felonies were heard by the High Court. All cases, except those argued before the High Court, were heard by a single judge; on the High Court, panels of three judges heard cases.

Defendants had access to legal counsel, usually at their own expense. Although there was no formal public defender's office, the Government had requested successfully that attorneys work without fee to represent defendants accused of serious crimes punishable by more than 10 years in prison, who could not afford legal counsel. Defendants could appeal verdicts to a High Court panel, which was composed of the High Court president and four other judges.

Since the population largely was rural, most citizens only had contact with the legal system through the traditional village courts. Village judges, who were appointed by a panel composed of heads of regional courts, the regional prosecutor, and the regional governor, heard civil cases. Magistrates versed in criminal law heard criminal cases. Local elders adjudicated many local issues—for example, property disputes and most petty crimes—according to customary law. Where both litigants were Muslims, civil cases were heard under Shari'a law. The traditional courts cannot impose sentences involving physical punishment. The Ministry of Justice also offered training in alternative dispute resolution to handle some civil and petty criminal cases.

The drafting of many civilians, including court administrators, defendants, judges, lawyers, and others involved in the legal system, into the national service had a significant negative impact on the judiciary. The High Court was reduced from 7 benches to 3 benches, and provincial, zone, and village court personnel were reduced by 40 percent. As a result of these personnel constraints, there were lengthy delays in the processing of cases, particularly at the High Court level.

The special court system ostensibly was created to reduce a growing backlog in the civilian court system. However, in practice the special courts, which banned defense counsel and the right of appeal, allowed the executive branch to mete out punishment without respect for due process and could subject the accused to double jeopardy. Judges in the special courts were senior military officers, most of whom had little or no legal experience. They based their decisions on "conscience," without reference to the law. There was no limitation on punishment. The special courts had jurisdiction over some criminal cases, such as capital offenses, felonies, misdemeanors, cases of tax evasion involving large sums, and cases of embezzlement by senior officials. The office of the Attorney General decided which cases were to be tried by a special court. The Attorney General also allowed the special courts to retry civilian court cases, including those decided by the High Court, thereby subjecting defendants to double jeopardy.

The special courts also handled crimes involving corruption, theft, and misuse of government authority allegedly committed by former members of the EPLF during the war for independence. Senior former fighters and members of the PFDJ often were held to a stringent unwritten code of conduct, and violations of this code were handled by the special courts outside the normal judicial process. Those accused of violating this circle of trust were arrested and held without formal charge or tried in the special courts.

There were no reports of political prisoners; however, there were numerous reports of persons detained for political reasons (see Section 1.d.).

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

The Government at times infringed on the right to privacy. Under the law, warrants are required for routine searches and seizures, except in cases where authorities believe individuals may attempt to escape or destroy evidence. Warrants also theoretically are required before the Government can monitor mail, telephones, or other means of private communication; however, in practice the Government often did not obtain warrants, and there were reports that the Government monitored telephone calls and e-mail. Government informers were believed to be present throughout the

country. There were unconfirmed reports that members of the PFDJ placed Ethiopians under surveillance.

During the year, military police were deployed throughout the country to find deserters and draft evaders. Members of the force carried out frequent document checks using roadblocks, street sweeps, and house-to-house searches and routinely detained persons of military age who had not done their national service (see Sections 1.d. and 6.c.).

There were unconfirmed reports that the Government took land from members of the Kunama ethnic group without compensation and gave it to others on the grounds that the land was not being exploited efficiently (see Section 5). In addition the Government failed to compensate foreigners for property seized by the former Mengistu regime in Ethiopia or to return that property.

In 2000 the Government closed Ethiopian-owned businesses, forced Ethiopians to vacate government-owned housing, froze some bank accounts, and seized some assets belonging to Ethiopians.

During 2001 the situation had improved somewhat. Ethiopians generally were able to renew residence permits without difficulty during the year; however, they continued to be unable to obtain business licenses, driving licenses, or leases, and many continued to lose their jobs because of their nationality. In most cases, Ethiopian business owners who lost their inventories when their shops were closed did not receive compensation. These hardships encouraged many Ethiopians to leave the country during 2001. During the year, conditions remained difficult for Ethiopians living in the country, but most who wanted to leave had already done so. There were reports that Ethiopians who remained in the country were not allowed to live in the strategically important Debub province bordering Ethiopia.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Government restricted the freedom of speech and the press, particularly since September 2001 when it closed the private press and arrested most independent journalists, which effectively prevented all public and much private criticism of the Government. All private newspapers were banned, and the ban remained in effect at year's end.

After September 2001, the Government controlled all nonreligious media, including three newspapers, one radio station, one television station, and one of only two newspaper printing presses in the country. There were no private radio or television stations, and after September 2001, there were no private, nonreligious newspapers. The Government had the authority to ban the import of any foreign publication, although it had not done so. Some Western periodicals were available regularly at several bookshops and from street vendors in Asmara. The press law forbids the local reprinting of articles from banned publications. The Government continued to restrict the right of the religious media to comment on politics or government policies.

The Government permitted five part-time reporters for foreign news outlets to operate in the country. Those who worked for Deutsche Welle and Voice of America were citizens, while the BBC, IRIN, and Reuters reporters were foreigners.

The arrests of journalists continued during the year. In January and February, four journalists were arrested and remained detained without charge at year's end. Three were working for the Arabic section of the official government media. The fourth, previously a reporter for an independent newspaper that was closed in 2001, was detained trying to leave the country. Observers reported that nearly all reporters and editors of the independent press had either fled the country or been detained.

In September 2001, the Government arrested and detained without charge 11 senior PFDJ and National Assembly members of the Group of 15 after they expressed dissenting political views (see

Section 1.d.). Authorities then arrested and detained independent journalists without charge and closed the private press after the publication of the views of the Group of 15. The detained journalists included: Yosuf Mohamed Ali, editor-in-chief of Tsigenai; Said Abdulkader, editor-in-chief of Admas; Selayinghes Beyene and Dawit Habetemichael, reporters for Meqaleh; Aaron Berhane, editor-in-chief of Setit; Medhane Haile, editor-in-chief of Keste Debona; Emanuel Asrat and Wedi Ade from Zemen; and an independent photographer, Seyum Fesehaye. Although the Government stated that the arrests were not related to opposition views, it offered no evidence against them and did not charge them formally. Subsequently, other persons were arrested arbitrarily and remained in custody without charge at year's end. The Government defended the arrests as necessary on grounds of national security but did not provide an additional explanation. In April nine of the reporters arrested in September 2001, declared a hunger strike. They subsequently were moved to undisclosed locations, and their whereabouts were unknown at year's end.

During the year, it was reported that four journalists who have been missing since 1999, 2000, and 2001 were in government custody. One of them was affiliated with the official Hadas Eritrea newspaper.

After the independent press was closed in September 2001, the Government formed a committee to revise the Press Law. The law does not allow private ownership of broadcast media or foreign influence or ownership of any media. The law requires that all newspapers obtain a license from the Ministry of Information before publication and that all reporters register with the Ministry. The law in theory allows individuals to publish newspapers and magazines. Prior to September 2001, eight independent newspapers published on a weekly or biweekly basis, with an estimated circulation of 45,000. In September 2001, the Government closed these publications, and religious publications were banned during the year. There were no independent print media operating in the country by year's end.

Access to the Internet was available in Asmara and Massawa, and there were four commercial Internet Service Providers in the country. There were no restrictions on the use of the Internet.

Although the Government claimed that there were no restrictions on academic freedom, the University of Asmara refused to give diplomas to its graduates unless they had completed their national service obligations (see Section 6.c.). The Government placed tight controls on students who wanted to study abroad. Many were unable to obtain exit visas or were prevented from leaving the airport despite having necessary approvals. In addition, new graduates occasionally were pressured to work for government entities (see Section 2.d.).

b. Freedom of Peaceful Assembly and Association

The Government limited freedom of assembly. A permit from the Ministry of Local Governments was required for a public meeting or demonstration. There were no reports of any political demonstrations that were not sponsored by the ruling party; no other permits were applied for during the year.

Several respected elders who were arrested in 2001 for meeting without a permit remained in detention without charge at year's end (see Section 1.d.).

The Government restricted the freedom of association. The Government did not allow the formation of any political parties. The draft laws on guidelines for new elections and the formation of political parties had not been submitted to the provisional National Assembly for amendment and ratification at year's end. The Government had expressed its opposition to the formation of any party based on ethnicity or religion.

c. Freedom of Religion

The Government restricted the freedom of religion, except in the cases of the four major religions in the country: Orthodox Christianity, Islam, Catholicism, and the Evangelical Lutheran.

In May the Ministry of Information, which oversees religious affairs, called together the leaders of several smaller churches, referred to collectively as the "Pentes," and ordered them to close down. The Pentes included Born Again Christians, Pentecostals, Full Gospel, and other smaller Protestant groups. The Government required these churches to register and receive authorization to reopen. The churches were informed that partial registrations would not be accepted. By year's end, no churches had been authorized to reopen. The four major religions were not required to register. Islam and the three major Christian denominations were practiced and tolerated widely throughout the country with persons free to worship at the church or mosque of their choice; however, the Government closed churches of other denominations and continued to harass, detain, and discriminate against the small community of Jehovah's Witnesses because of their refusal, on religious grounds, to vote in the independence referendum or to perform national service. Although persons from other religious groups, including Muslims, reportedly had been punished in past years for failure to participate in national service, only Jehovah's Witnesses were subject to dismissal from the civil service, had their trading licenses revoked, were evicted from government-owned housing, and were denied passports, identity cards, and exit visas. There were no reports that Jehovah's Witnesses who performed national service and participated in the national independence referendum were subject to discrimination. Jehovah's Witnesses often were denied identification cards, passports, exit visas, trading licenses, government housing, and government employment unless they hid their religion.

The Government also harassed and monitored some Orthodox churches whose religious services it did not approve.

There were some complaints in the Muslim community that the Government had discriminated against Islam in favor of Orthodox Christianity by granting Orthodox churches tax relief not offered to mosques.

The Government prohibited political activity by religious groups and faith-based nongovernmental organizations (NGOs), and the Government's Directorate of Religious Affairs in the Ministry of Local Government monitored religious compliance with this proscription against political activity.

At year's end, approximately four Jehovah's Witnesses remained in detention without charge and without being tried for failing to participate in national service. These individuals had been detained for varying periods of time, some for more than 5 years without charge. The maximum penalty for refusing to perform national service is only 3 years' imprisonment. Ministry of Justice officials denied that any Jehovah's Witnesses were being held without charge; however, they acknowledged that some Jehovah's Witnesses, and a number of Muslims, were serving sentences for convictions on charges of evading national service.

The army resorted to various forms of extreme physical punishment to force objectors, including some Jehovah's Witnesses, to perform their military service (see Section 1.c.).

There were negative societal attitudes toward members of religious denominations other than the four major ones. Many citizens approved of the strict measures levied against those churches during the year. Jehovah's Witnesses faced some social discrimination because of their refusal to participate in the 1993 independence referendum and to perform national service. However, the level of societal discrimination against Jehovah's Witnesses has declined in recent years.

For a more detailed discussion see the 2002 International Religious Freedom Report.

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

While citizens could travel freely within the country and change their place of residence and work, authorities restricted freedom of movement and emigration. The Government required all citizens to carry national identification cards, which they must present on demand at security checkpoints. The Government restricted travel to some areas within the country for security reasons. Military police periodically set up roadblocks in Asmara and other cities to find draft evaders and military deserters (see Section 1.d.). Periodic crackdowns continued to occur during the year.

The Government continued to restrict travel along much of the border with Sudan. Some areas remained heavily mined, a legacy of the war for independence. Occasionally, the EIJ or others set new mines, leading to additional travel restrictions (see Sections 1.a. and 1.c.).

Citizens were required to obtain an exit visa to travel outside the country. Citizens of national service age (18 to 40), Jehovah's Witnesses (see Section 2.c.), officials of the former Ethiopian military regime, and others who had fallen out of favor with the Government routinely were denied exit visas. In addition, the Government often refused to issue exit visas to adolescents, apparently on the grounds that they were approaching the age of eligibility for national service. In practice it was very difficult for anyone under the age of 40 to get an exit visa. There were many instances in which the newly married spouse of a citizen living abroad was denied an exit visa to join the partner. Often the citizen in the country was denied an exit visa because the spouse could not prove payment of the 2-percent income tax, which was imposed on citizens who lived abroad or who had run afoul of the Government.

In general, citizens had the right to return; however, citizens had to show proof that they paid the 2-percent tax on their annual income to the Government while living abroad to be eligible for government services upon their return to the country. Applications to return from citizens living abroad who had run afoul of the law, contracted a serious contagious disease, or had been declared ineligible for political asylum by other governments, were considered on a case-by-case basis.

During the year, the Government annulled or denied exit visas for several citizens who had received scholarships to foreign universities or been nominated for participation in exchange programs. Government officials said their cases would be reexamined on an individual basis.

Unlike in previous years, there were no reports that Ethiopians still in the country were unable to obtain exit visas.

During the year, the Government repatriated approximately 1,500 Ethiopians to Ethiopia. They were repatriated voluntarily and with ICRC participation. An estimated 20,000 to 25,000 Ethiopians remained in the country at year's end. In 2001 more than 20,000 Ethiopians were repatriated under similar circumstances. At the end of November, the Ethiopian Government released more than 1,200 Eritrean POW's, the last of the recorded Eritrean prisoners from the 1998-2000 conflict.

Approximately 1.1 million citizens were displaced internally as a result of the conflict with Ethiopia. Most of these IDPs returned home; however, approximately 67,000 IDPs remained in 11 camps in the Debub and Gash Barka zones at year's end. Camp facilities were basic, but conditions generally were adequate. There also was a large but unknown number of IDPs residing outside camps during the year.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government provided first asylum to Somali and Sudanese refugees during the year. There were 498 Sudanese refugees at the Elite camp in the western part of the country and 2,560 Somali refugees at the Emkala camp, near Massawa. There also were 5,000 to 7,000 Beja Sudanese refugees in the Gash Barka region. The Eritrean Relief and Refugee Commission (ERREC), a government agency, was the principal organization responsible for refugees and IDPs.

During the year, UNHCR reported that approximately 20,000 Eritrean refugees were repatriated from Sudan. Since July 2000, when repatriations began, the total was 74,000. At year's end, 19,000 of the more than 60,000 refugees remaining in Sudan had registered for repatriation.

There were no reports of the forced return of persons to a country where they feared persecution.

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

Citizens have not been had the right to change their government in multiparty elections. Authority within the Government was held very narrowly among a small group of former fighters. The Government was dominated completely by the PFDJ, which came to power in the 1993 popular referendum in which more than 99 percent of voters chose to have an independent country managed by a transitional government run by the PFDJ rather than to remain part of Ethiopia. The PFDJ still had not fulfilled the ambitious program that it initially outlined for a transition to a democratically elected government by 1997. National elections, originally scheduled for 1997, never were held. The only authorized political party was the PFDJ, and there were no opposition parties active domestically (see Section 2.b.).

In 2001 two committees developed guidelines and rules for new elections and the formation of political parties; however, the draft electoral law and the draft law regulating the formation and activities of political parties had not been acted on by year's end. National Assembly elections scheduled for December 2001, did not take place. Government officials stated that the elections were delayed because of continuing tensions with Ethiopia and problems caused by dissidents and the private press. In February another electoral commission was established to set a new date for elections and review the previously drafted laws; however, elections still were not scheduled at year's end.

During the year, village-level elections were held in the rural parts of Debub (South central) and Maakel (central) provinces.

In an effort to encourage broader participation by women in politics, the PFDJ named 3 women to the party's 19-member Executive Council and 11 women to the 75-member Central Council at the last party congress that was held in 1994. Women participated in the Constitutional Commission (occupying almost half of the positions on the 50-person committee). They also served in several senior government positions, including Minister of Justice and Minister of Labor. By law, one-third of regional National Assembly seats are reserved for women, and women also may compete for the nonreserved seats.

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

The Ministry of Foreign Affairs and Ministry of Local Governments jointly were responsible for handling human rights inquiries. All NGOs had to register with the ERREC; there were 31 international and 16 domestic NGOs operating in the country, the majority of which were involved in emergency assistance. Only one domestic human rights organization, Citizens for Peace in Eritrea (CPE), was allowed to operate, and its work was limited to advocacy on behalf of war victims.

A government decree provides that religious organizations, including faith-based NGOs, cannot engage in development activities; however, it never was enforced in practice. In addition, the four main religious groups (Orthodox, Catholic, Muslim, and Evangelical Lutheran) coordinated the provision of relief services to deportees from Ethiopia in conjunction with the ERREC. A governmental decree requiring that all NGOs hire only those who had completed their national service never was enforced.

Most international human rights organizations were not permitted to operate within the country, with the exception of the ICRC, which continued its programs during the year and provided shelter and supplemental food to approximately 100,000 persons who were displaced by the conflict with Ethiopia (see Section 2.d.). The ICRC also visited prisons and detention centers where Ethiopians were held during the year (see Section 1.c.).

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

The transitional civil code prohibits discrimination against women and persons with disabilities, and the Government enforced these provisions.

Women

The Government has not taken a firm public stance against domestic violence and generally has ignored the problem. Violence against women was pervasive. Spousal abuse is a crime; however, spousal abuse, especially wife beating, was common. Domestic violence seldom was discussed openly by women because of societal pressures. Such incidents more commonly were addressed, if at all, within families or by religious clergy. It was estimated that more than 65 percent of women in the Asmara area were the victims of domestic violence during the year. The Government response to domestic violence was hindered by a lack of training, inadequate funding, and societal attitudes.

Rape is a crime; however, no specific information was available on its prevalence in the country.

FGM was widespread, with estimates placing the number of women and girls who have been subjected to FGM as high as 95 percent. FGM was practiced by almost all ethnic and religious groups in the country. In the lowlands, infibulation--the most severe form of FGM--was practiced. There was no law prohibiting FGM. However, the Government worked to combat the practice of FGM. The Government and other organizations, including the National Union of Eritrean Women, sponsored education programs that discouraged the practice. The U.N. Population Fund, through the Ministry of Health, sponsored reproductive health projects that provided training and awareness programs that focused on the negative physical and psychological impacts of FGM.

Prostitution is illegal; however, as a result of war-related displacement and difficult economic conditions, prostitution was a serious problem. The problem was magnified by the presence of many international peacekeepers, NGOs, and other foreign men in the country since the end of the war with Ethiopia.

The Government consistently advocated improving the status of women, many of whom played a significant role as fighters in the struggle for independence. Since independence, women have enjoyed a legal right to equal educational opportunities, equal pay for equal work, and legal sanctions against domestic violence. Much of society remained traditional and patriarchal, and generally women did not enjoy a social status equal to men. The law provided a framework for improving the status of women, but laws were enforced unevenly, because of a lack of capacity in the legal system and ingrained cultural attitudes. In practice males retained privileged access to education, employment, and control of economic resources, with more disparities in rural areas than in cities.

The law requires women between the ages of 18 and 40 to participate in national service (see Section 6.c.). During the year, there were increased efforts to detain women draft evaders and deserters (see section 1.d.). According to some reports, women drafted to the national service were subject to sexual harassment and abuse. In 2001 the Government transferred most women out of direct combat roles and reassigned them to civilian government jobs or support roles for the military.

Children

The Ministry of Labor and Human Welfare was responsible for government policies concerning the rights and welfare of children. The Children's Affairs Division under the Ministry of Labor and Human Welfare covered childcare, counseling, and probation. The law criminalizes child prostitution, pornography, and sexual exploitation.

Education through grade seven was compulsory and free. However, education above grade seven was neither free nor compulsory, and while the situation has improved, there was a shortage of schools and teachers at all levels. According to Ministry of Education figures, only 38 percent of children attended school. Approximately 75 percent of the population was illiterate. In rural areas, young girls usually left school early to work at home.

Child abuse was not thought to be common.

FGM was performed on up to 95 percent of all young girls (see Section 5, Women).

Persons with Disabilities

The long war for independence and the conflict with Ethiopia left thousands of men and women with physical disabilities from injuries they received as guerrillas, soldiers, and civilian victims. The Government dedicated a large share of its resources to support and train these former fighters, who were regarded as heroes, and did not discriminate against them in training, education, or employment. There were no laws mandating access for persons with disabilities to public thoroughfares or public or private buildings; however, many newly constructed buildings provided access for persons with disabilities.

National/Racial/Ethnic Minorities

There were reports of government and societal discrimination against the Kunama, one of nine ethnic groups, who reside primarily in the west. Because a Kunama opposition group operated out of Ethiopia and was supported by Ethiopian authorities, some Kunama in the country were suspected of supporting or having sympathies with the Ethiopian Government. In 2001 there were unconfirmed reports that the Government took land from Kunamas without compensation and gave it to other ethnic groups on the grounds that the land had not been efficiently exploited. There also was an unconfirmed report that Eritrean refugees returning from Sudan were resettled on Kunama fields after evicting the native Kunama. There was some societal discrimination against Kunamas because they were seen as ethnically and culturally different from most Eritreans.

There was no information available, nor is any likely to become available, on the several members of the Kunama ethnic group who were detained without charges on suspicion of collaborating with Ethiopian forces in 2000.

Section 6 Worker Rights

a. The Right of Association

Some government policies restricted free association or prevented the formation of unions, including within the civil service, the military, the police, and other essential services. The Ministry of Labor must grant special approval for groups of 20 or more persons seeking to form a union. There were no reports that the Government opposed the formation of any labor associations during the year.

Proclamation Eight provides workers with the legal right to form unions and to strike to protect their interests. The National Confederation of Eritrean Workers (NCEW), which was part of the EPLF during the war, maintained a close affiliation with the Government, and its leadership consisted of high-ranking PFDJ members. The NCEW represented more than 25,000 workers from 250 unions and received some assistance from the International Labor Organization (ILO) and foreign labor organizations. The largest union within the NCEW was the Textile, Leather, and Shoe Federation.

Unions may affiliate internationally. All five workers' federations within the NCEW maintained affiliations with international unions.

b. The Right to Organize and Bargain Collectively

Under the new labor code, which was ratified in November 2001, a tripartite board composed of workers, employers, and Ministry of Labor officials is required to resolve differences. Under the labor law in force, disputes were taken to court. During 2001 the NCEW brought 54 cases to court, while an additional 17 NCEW cases remained pending. By August 2001, 20 of the 71 cases were settled through agreements between the parties, 11 had been settled through the Ministry of Labor, and 3 were adjudicated.

There were no strikes reported during the year.

There were no export processing zones. A free trade zone, encompassing the ports of Massawa and Assab, was being established at year's end.

c. Prohibition of Forced or Bonded Labor

The law prohibits forced or bonded labor, including by children; however, there were unconfirmed reports that it occurred during the year. All citizens between the ages of 18 and 40 were required to participate in a national service program, which included military training and civic action programs. In addition, some national service inductees were released back to their civilian jobs, while nominally kept in the military, because their skills were deemed critical to the functioning of the Government or the economy. These individuals were required to forfeit to the Government earnings in excess of the national service salary and were required to perform farm labor. High school students also were required to participate in a paid summer work program.

In 2001 the Government announced that university students were required to participate in a paid summer work program for 1 month or they would be ineligible to continue their studies. This requirement first was imposed on university students in 1999 but suspended in 2000 because of the war. The students objected to the work program, in part because many students needed to work during the summer to earn the money required for their academic and living costs, which are approximately \$200-\$300 (2,700-4,100 Nakfa) per year. The students objected that the Government's payment of approximately \$78 (1,050 Nakfa), out of which the students would have to pay their food, lodging, travel, and other expenses, was insufficient. Unlike in the previous year, there was no summer work program for university students during the year (see Section 1.c.).

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

The legal minimum age for employment is 18 years, although apprentices may be hired at age 14. The law prohibits apprentices under 18 years of age from performing certain dangerous or unhealthy labor, such as working in mines or sewers. Labor inspectors in the Ministry of Labor and Human Welfare are responsible for the enforcement of laws pertaining to the employment of children; however, due to the small number of inspectors, inspections were infrequent. According to the Ministry of Education, only 38 percent of children attended school due, in part, to a shortage of schools and teachers. It was common for rural children who did not attend classes to work on family farms, fetching firewood and water, and herding livestock among other activities. In urban areas, some children worked as street vendors of cigarettes, newspapers, or chewing gum. Children also worked as child-minders, traders, and in small-scale manufacturing. Unlike in the previous year, there were no reports that the Government inadvertently employed children under the age of 18 as soldiers.

The Government has not ratified ILO Convention 182 on the Worst Forms of Child Labor.

e. Acceptable Conditions of Work

There were two systems that regulate employment conditions--the civil service system and the labor law system. There was no legally mandated minimum wage in the private sector. In the civil service sector, wages varied from \$24 to \$288 (325 to 3,900 Nakfa) per month. Factory workers in government-owned enterprises earned the highest wages. The minimum wage in the civil service sector did not provide the average worker and family with a decent standard of living.

The standard workweek was 44½ hours, but many persons worked fewer hours. Under the Labor Law, workers are entitled to 1 day of rest per week, and most workers were allowed 1 to 1½ days off per week. The Government has instituted occupational health and safety standards, but inspection and enforcement varied widely among factories. Workers were permitted to remove themselves from dangerous work sites without retaliation.

Legal foreign and citizen workers are treated equally under the law.

f. Trafficking in Persons

The law does not prohibit trafficking in persons, and there were unconfirmed reports of trafficking for forced or bonded labor.

