



Eritrea

Country Reports on Human Rights Practices - 2003

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Eritrea is a one-party state that became independent in 1993 when 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, is 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. Presidential and legislative elections have been continuously postponed. The Constitution, ratified in 1997, provides for democratic freedoms; however, its provisions were not implemented by year's end. The judiciary was formally independent; however, it was weak and subject to executive interference.

Police were officially responsible for maintaining internal security and the army was responsible for external security; however, the Government could call on the armed forces, the reserves, and demobilized soldiers in response to both domestic and external security requirements. The civilian authorities maintained effective control of the security forces. In addition to conflicts 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 of the country's mixed economy, 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. During the year, inflation rose to 24 percent from 9 percent in 2002, and economic growth fell from 9 percent in 2002 to a minus 1.2 percent. Wages did not keep pace with inflation. The continued integration of as many as 75,000 Eritreans or Ethiopians of Eritrean origin deported from Ethiopia, 103,000 long-term 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 country had an annual per capita income of less than \$200, and approximately one-third of the population depended on foreign emergency assistance. The PFDJ and the military exerted a growing economic influence through numerous investments and party- or military-owned businesses.

The Government's human rights record remained poor, and it continued to commit serious abuses. Citizens did not have the ability to change their government. Security forces were responsible for disappearances. There were some reports that police 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. Arbitrary arrests and detentions continued to be problems; an unknown number of persons were detained without charge because of political opinion. 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, and limited freedom of assembly and association. The Government restricted freedom of religion for non-sanctioned religious groups and restricted freedom of movement. Human rights groups were not allowed to operate in the country. Violence and societal discrimination against women continued to be problems, and female genital mutilation (FGM) remained widespread despite government efforts to discourage the practice. Members of the Kunama ethnic group also faced government and societal discrimination. The Government restricted workers' rights. 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

There were no political killings; however, there were unconfirmed reports that some of the approximately 220 citizens deported from Malta in 2002 were killed trying to escape from prison during the year (see Section 1.d.). The Government continued to authorize the use of deadly force against anyone resisting or attempting to flee during military searches for deserters and draft evaders; however, unlike the previous year, there were no reports of deaths.

No action was taken, nor was any likely, in the 2001 cases in which two students died in detention of heat-related causes while in a forced summer work program.

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. The EIJ or others laid some new mines during the year. The U.N. reported 32 deaths from landmine incidents between January and September, compared with 85 deaths in 2002, and 197 in 2001. It was not clear whose landmines were responsible for these casualties. It was probable that there were additional, unreported deaths in remote areas. On November 20, a 7-year-old boy was killed by a landmine near the town of Tserona. During the year, there were approximately 20 deaths due to landmines and unexploded ordnances in the border region.

On April 12, British national Timothy Butt was killed in the western Bisha region. Butt was in the country working for an international mining company. At year's end, there was no information available regarding an investigation into the killing.

On August 10, unknown assailants killed two citizens who worked for Mercy Corps International and injured the driver. The assailants opened fire on the vehicle the three citizens were traveling in near Adobha. By year's end, the Government had not released the results of its investigation.

b. Disappearance

There were reports of politically motivated disappearances.

In May and June, there were reports that an unknown number of Kunama, an ethnic group residing predominantly near the border with Ethiopia, were detained; they were reportedly detained because of their association with other captured or killed Kunama insurgents. No charges were filed and their whereabouts were unknown at year's end.

There were no developments in 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 3).

Several journalists detained in 2001 were missing at year's end (see Section 2.a.).

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

The Constitution, which has not been implemented, and the Penal Code prohibit torture; however, there were numerous reports that police resorted to torture and physical beatings of prisoners, particularly during interrogations. During the year, police severely mistreated and beat army deserters, draft evaders, and members of particular religious groups (see Section 2.c.). Police detained deserters and draft evaders and subjected them to various disciplinary actions that included prolonged sun exposure in temperatures of up to 113 degrees Fahrenheit or the binding of the hands, elbows and feet for extended periods.

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

During the year, there were dozens of reported injuries from landmines and unexploded

ordnances (see Section 1.a.).

Prison conditions remained Spartan. The Government generally 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 in 2001 were thought to be held separately, although their whereabouts remained unknown. These political detainees continued to be denied visitors during the year.

The Government allowed the International Committee of the Red Cross (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.

There continued to be reports of prolonged detentions of Sudanese nonpolitical prisoners during the year.

d. Arbitrary Arrest, Detention, or Exile

The Constitution, which has not been implemented, and the law prohibit arbitrary arrest and detention; however, arbitrary arrest and detention were serious problems.

The police force was weak and corruption was not prevalent. During the year, the police force was reorganized and active duty military officers were placed in charge of key police divisions. The military has the power to arrest and detain persons, and internal security forces and the military detained many persons during the year.

The Penal Code stipulates that detainees may be held for a maximum of 30 days without being charged with a crime. In practice, authorities often detained persons suspected of crimes for much longer periods. The Government held numerous pretrial detainees during the year.

An unknown number of Ethiopian detainees were released during the year; some were repatriated to Ethiopia, while others chose to remain in the country. The ICRC continued to visit approximately 150 Ethiopians who were still in detention at year's end. Most of these detainees were reportedly being held on suspicion of committing crimes, while others were detained because their residency permits had expired and they did not have the necessary funds to renew them.

There was at least one report of a citizen of Ethiopian origin stripped of citizenship and deported.

Detainees did not always have access to legal counsel (see Section 1.e.), and incommunicado detention was widespread. There was no functioning bail system during the year.

There were reports of numerous politically motivated detentions of those who were seen as critical of the Government, many of whom remained in prison at year's end. Many were perceived to have ties to political dissidents or were believed to have spoken against government actions.

In addition to the high-profile arrests in 2001, the Government arrested at least 80 additional individuals, many of them with known or suspected ties to political dissidents, and detained them without charge and without access to visitors at year's end. There were numerous unconfirmed reports that the number of such persons detained may be several hundred.

The military police detained persons who had not completed their national service requirement, and those who had evaded previous drafts (see Sections 1.c. and 2.c.).

There were substantial but unconfirmed reports that hundreds of draft evaders and national

service escapees were being held in makeshift prisons around the country. Multiple observers reported up to 1,500 detainees at a prison adjacent to the offices of the Commanding General who oversees Military Operational Area #5 (Central Zone and surrounding areas).

The Government continued to arrest and detain members of non-sanctioned religious groups, some of whom have been in detention for more than 9 years (see Section 2.c.).

In September and October 2002, approximately 220 citizens, who are believed to have fled the country to escape or avoid national service, were deported from Malta. These deportees were detained upon arrival and most had been held at secret locations without contact with their families and without formal charges. There were reports that some who tried to escape again were killed by security forces.

In 2002, human rights observers documented at least six examples of arbitrary arrest, including of relatives of the previously detained "G-15" group and of diplomats who were recalled 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 numerous other arrests during the year. For example, on December 11, Aster Yohannes, the wife of Petros Solomon—a former Minister of Foreign Affairs, and a member of the G-15—was reportedly arrested and detained without charges as she returned to the country after living abroad for several years.

In April, Ermias Debessai (Papayo), former Ambassador to China, was released from prison after being detained in 1997 and sentenced by a Special Court to 7 years' imprisonment; however, he was reportedly re-imprisoned without charges in November.

Unlike in the previous year, there were no reports that authorities arrested and detained citizens of other countries, who were not subject to national service obligations.

Unlike in the previous year, there were no reports that authorities harassed and detained deportees of Eritrean origin from Ethiopia while the Government checked on their status.

There were no developments in the following 2001 cases: The arrest of several elders who remained in detention without charge; and the arrest of two citizen employees from a foreign embassy who remained in detention without charge.

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

An unknown number of persons suspected of association with the Ethiopian Mengistu regime, Islamic elements considered radical, or suspected terrorist organizations continued to remain in detention without charge, some of whom have been detained for more than 9 years.

The law has no provisions concerning exile and the Government generally did not use exile as a means of political control.

The president of the independent Asmara University Students' Association, who was detained without charges in 2001 and escaped from prison in August 2002, was reportedly living in exile and remained politically active.

e. Denial of Fair Public Trial

The Constitution, which has not been implemented, provides for an independent judiciary; however, the judiciary was weak and subject to executive control. For example, during the year, the executive controlled special courts issued directives to other courts regarding administrative matters, whereas their domain was supposed to be restricted to criminal cases. In addition, the judiciary relied on the Ministry of Justice for logistical and budgetary support, which further limited its independence.

The drafting of many civilians, including court administrators, defendants, judges, lawyers, and others involved in the legal system, into national service continued to have a significant negative impact on the judiciary. The High Court was reduced from 7 benches to 3, and regional, sub-regional, and village court personnel were reduced by 40 percent in 2002. Case backlogs accumulated in 2002 were reduced during the year. For example, the average waiting period before a case was heard at the High Court level was reduced from about 7 months to about 5 months.

The judicial system had three parts: civilian, military, and special courts. The civilian court system consisted of village courts, sub-regional courts, regional courts, and the High Court, which also served as an appellate court. Appeals may be made in the civilian courts all the way up to the High Court. Not all appeals are accepted for a hearing at the High Court level and the High Court takes an average of approximately 2 months to decide if it will hear an appeal or not. Under the legal system, minor infractions were brought to village courts and sub-regional courts. More serious offenses were argued before regional courts, but a significant proportion of cases involving murder, rape, and other 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.

The 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 since then has drafted new commercial, penal, and criminal codes, which have not yet been promulgated. A new civil code was drafted during 2001; however, it was not promulgated by year's end.

Detainees did not always have access to legal counsel. Defendants could hire a legal representative at their own expense; however, not all detainees could afford to do so. Although there was no formal public defender's office, the Government frequently assigned attorneys 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.

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 problems—for example, property disputes and most petty crimes—according to customary law. The Ministry of Justice also offered training in alternative dispute resolution to handle some civil and petty criminal cases.

Where both litigants were Muslims, civil cases were heard under Shari'a law. Traditional courts cannot impose sentences involving physical punishment.

The special court system ostensibly was created to reduce a growing backlog in the civilian court system; however, in practice special courts, which banned defense counsel and the right of appeal, allowed the executive branch to mete out punishment without respect for due process. 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 many criminal cases, such as capital offenses, felonies, some 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 special courts to retry civilian court cases, including those decided by the High Court, thereby subjecting defendants to double jeopardy.

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 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 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 Constitution, which has not been implemented, prohibits such actions; however, 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.

The Government deployed military police throughout the country using roadblocks, street sweeps, and house-to-house searches to find deserters and draft evaders, although less intensively than last year.

There were reports that military officials seized residences belonging to relatives of persons identified with the political opposition and rented the property or used it as housing for senior military officers' families.

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). The Government also failed to compensate foreigners for property seized by the former Mengistu regime in Ethiopia or to return that property.

Warrants are theoretically required before the Government can monitor mail, telephones, or other means of private communication; however, in practice the Government often did not obtain warrants. 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.

All citizens between the ages of 18 and 45 were required to participate in the national service program, which included military training and civilian work programs (see Section 6.c.).

During the year, conditions remained difficult for Ethiopians living in the country, but most who wanted to leave had already done so. The Ethiopian Embassy reported approximately 7,000 Ethiopians remained. Unlike in the previous year, there were no reports that the Government targeted Ethiopians in particular for discrimination in renewing business licenses, residence permits, and employment. There were reports that Ethiopians who remained in the country were not allowed to live in the strategically important Debub Province bordering Ethiopia.

Government employees in general were unable to leave their jobs or take new employment.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution, which has not been implemented, provides for freedom of speech and of the press; however, the Government severely restricted this right in practice. The private press remained closed and most independent journalists arrested remained in detention or had fled the country, 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.

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 there were no private, nonreligious newspapers. The law does not allow private ownership of broadcast media or foreign influence or ownership of media. The press law forbids 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 law allows individuals to publish newspapers and magazines; it also requires that all newspapers obtain a license from the Ministry of Information (MOI) before publication and that all reporters register with the MOI. However, there continued to be no independent print media

operating in the country at year's end.

The Government had the authority to ban the import of foreign publications, although it had not done so. Some Western periodicals were available regularly at several bookshops and from street vendors in Asmara.

The Government permitted four reporters for foreign news organizations to operate in the country. The reporter for Deutsche Welle was a citizen, while British Broadcasting Corporation, Agence France-Presse, and Reuters reporters were foreigners.

The arrests of journalists continued during the year. On July 8, police took Aklilu Solomon, a journalist who submitted articles to the Voice of America from his home during the night. He remained in detention at an unknown location at year's end. Although the Government claimed that he was detained for failing to fulfill national service obligations, reports indicate that Aklilu had a medical exemption from further national service and had been called into the MOI 10 days before his detention. At that meeting, his press credentials were cancelled and he was told that his reports concerning soldiers who died in the war with Ethiopia "pleased the enemy."

A reporter for an independent newspaper arrested in 2002 was reportedly released in July without charges. Three other reporters working for government media who were arrested in 2002 remained in detention without charge at year's end.

In April 2002, nine of the reporters arrested in 2001 on grounds of "national security" declared a hunger strike and subsequently were moved to undisclosed locations. Their whereabouts and well-being were unknown at year's end.

Four journalists who have been missing since before 2002 remained in government custody at year's end.

Access to the Internet was available in Asmara, Keren, Mendefera, Decamhare and Massawa. Four commercial Internet Service Providers operated in the country. There were no restrictions on Internet use.

The Government restricted academic freedom. The University of Asmara refused to give diplomas to graduates unless they had completed their national service obligations (see Section 6.c.), and the Ministry of Education did not release transcripts or exam results for those who were not released from national service. The Government placed tight controls on students who wanted to study abroad. Many were unable to obtain exit visas or were prevented from departing at the airport despite having necessary approvals. In addition, new graduates were frequently pressured to work for government entities.

b. Freedom of Peaceful Assembly and Association

The Constitution, which has not been implemented, provides for freedom of assembly and association; however, the Government restricted this right in practice. 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.

The Constitution, which has not been implemented, provides for the right of association. The Government restricted the freedom of association. The Government did not allow the formation of any political parties other than the PFDJ.

c. Freedom of Religion

The Constitution, which has not been implemented, provides for freedom of religion; however, the Government restricted this right in practice. Only the four government-sanctioned religious groups in the country—Orthodox Christians, Muslims, Catholics, and members of the Evangelical Church of Eritrea (which is affiliated with the Lutheran World Federation)—were allowed to meet freely during the year.

There were several reports that police used physical torture such as bondage, heat exposure, and beatings to punish those detained for their religious beliefs. There were also reliable reports that some detainees were required to sign statements repudiating their faith or agreeing not to practice it as a condition for release. In some cases, where detainees refused to sign, relatives were asked to do so on their behalf. Some of these statements reportedly threatened execution for those who continued to attend non-sanctioned religious services or meetings. For example, on March 23, 40 members of the Philadelphia Church in Asmara were detained for 8 days and some were reportedly subjected to physical torture and pressured to repudiate their faith. The pastor and other church leaders who inquired on their behalf were also detained. Members reported that their pastor was forced to walk barefoot over sharp stones. After 8 days relatives were forced to sign papers stating that those detained would not attend church services or meet in their homes with other church members.

During the year, there were reports that several hundred followers of various non-sanctioned churches (mostly Protestant) were detained or harassed. For example, on June 19, a prominent pastor and head of the Association of Evangelical Churches was arrested and held for 3 weeks.

In August, the Government detained 57 students who were members of non-sanctioned religious groups; the students were arrested while at a mandatory 3-month summer course at the Sawa Military Camp.

On September 7, there were reports that the Government detained 12 members of the Bethel Church during a prayer meeting in Asmara.

The 74 military and national service personnel arrested in February 2002 remained imprisoned near Assab at year's end. Reports suggest that they were being detained until they repudiate their faith.

In May 2002, the MOI ordered several Protestant churches to close, including the Rhema Church, Pentecostals, Full Gospel, and other small Protestant groups. The Government instructed these churches to register with the MOI to receive authorization to reopen. Despite the fact that several of the churches submitted registrations in 2002, none of the churches had been authorized to reopen by year's end. The four government-sanctioned religious groups were not required to register.

On October 15, government officials evicted the Full Gospel Church from the complex in Asmara that has served as its headquarters for 11 years. The Government began its occupation of the property in September 2002 with the presence of military personnel. The complex remained under government control at year's end.

The Government does not excuse individuals who object to national service for religious reasons or reasons of conscience, nor does the Government allow for alternative service. The Government continued to harass, detain, and discriminate against the small community of members of Jehovah's Witnesses because of their refusal, on religious grounds, to vote in the independence referendum or the refusal of some to perform national service. Members of Jehovah's Witnesses were subject to dismissal from the civil service. Many were evicted from or not allowed to occupy government-owned housing. Members of Jehovah's Witnesses were also frequently denied passports and exit visas, and some had their identity cards revoked or were not issued them at all. There were no reports that members of Jehovah's Witnesses who performed national service and participated in the national independence referendum were subject to discrimination.

On April 16, approximately 160 members of Jehovah's Witnesses were detained while meeting in a private home in Asmara. Most were released within a week, but 5, who were apparently considered "elders," were detained for 28 days.

At year's end, an estimated 11 members of Jehovah's Witnesses reportedly remained in detention without charge, including 6 allegedly detained during the year, for failing to participate in national service. Although the maximum penalty for refusing to perform national service is 3 years' imprisonment, three of the individuals have been detained for more than 9 years. Of the members of Jehovah's Witnesses detained, 10 were reportedly held at Sawa Military camp and 1 in prison in Asmara.

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

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

There were some complaints that the Government discriminated against the Muslim community and Catholics because the Government offered tax relief to Orthodox churches, but not to mosques and Catholic churches.

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

There were negative societal attitudes toward members of religious denominations other than the four sanctioned ones. Some citizens approved of the strict measures levied against unsanctioned churches during the year. Jehovah's Witnesses also 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 continued to decline during the year.

For a more detailed discussion, see the 2003 International Religious Freedom Report.

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

The Constitution, which has not been implemented, provides for these rights; however, the Government restricted some of them in practice. While citizens could generally travel freely within the country and change their place of residence, authorities restricted freedom of movement and emigration. The Government required all citizens to carry national identification cards, which must be presented on demand. 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 deserters, and periodic crackdowns continued during the year (see Section 1.d.).

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 planted new mines, leading to additional travel restrictions (see Section 1.a.).

Citizens and foreign nationals were required to obtain an exit visa to depart the country. There were numerous cases where foreign nationals were delayed in leaving or initially denied permission to leave when they applied for an exit visa, some for as long as 1 month.

Citizens of national service age (men 18 to 45 years of age, and women 18 to 27 years of age), members of Jehovah's Witnesses (see Section 2.c.), and others who were out of favor with or seen as critical of the Government were routinely denied exit visas. In addition, the Government often refused to issue exit visas to adolescents and children as young as 10 years of age, apparently on the grounds that they were approaching the age of eligibility for national service. Some citizens were given exit visas only after posting bonds of approximately \$7,300 (100,000 Nakfa). There were many instances in which the newly married spouse of a citizen or foreign national living abroad was denied an exit visa to join the partner often because the citizen's spouse residing abroad could not prove payment of the 2 percent income tax, which is imposed on all citizens living abroad.

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. Upon request, officials reexamined denied cases on an individual basis, which frequently led to a reversal of the decision.

In general, citizens had the right to return; however, citizens had to show proof that they paid the 2 percent tax on their income to the Government while living abroad to be eligible for some government services on their return to the country. Applications to return from citizens living abroad who had broken 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 repatriated approximately 380 Ethiopians to Ethiopia. They were repatriated voluntarily and with ICRC participation.

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 rudimentary, but conditions generally were adequate. There also was a large but unknown number of IDPs residing outside camps during the year.

The law does not provide for the granting of refugee status or asylum to persons who meet the definition in the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. There is no domestic legislation relating to refugees. Consequently, the Government cannot issue legal refugee status or asylum to persons seeking protection on its territory; however, the Government offers temporary protection to persons from Sudan and Somalia on a prima facie basis and provided protection against refoulement. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) in assisting refugees. There were 661 Sudanese refugees at Elit camp in the west and 3,314 Somali refugees at Emkulu camp, near Massawa. There were also 5,000 to 7,000 Beja Sudanese and approximately 600 Ethiopians in the Gash Barka region to which UNHCR has no access or responsibility. UNHCR was accommodating 200 Ethiopian asylum seekers who arrived during the year.

UNHCR reported that approximately 9,378 refugees were repatriated from Sudan during the year. The repatriation movements had been halted from July 2002 until June due to political tensions with Sudan. At year's end, approximately 36,000 of the approximately 243,000 refugees remaining in Sudan had registered for repatriation while the rest were having their cases assessed on an individual basis. The Eritrean Relief and Refugee Commission (ERREC), a government agency, was the principal organization responsible for returnees and IDPs. The Office of Refugee Affairs (ORA) was responsible for refugees of non-Eritrean origin, including management of the Elit and Emkulu camps. In November and December, the Government cooperated with UNHCR to re-register Sudanese and Somali refugees at the Elit and Emkulu camps.

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

The Constitution, which has not been implemented, provides citizens with the right to change their government peacefully; however, citizens were not allowed to exercise this right in practice. A small group of former fighters held authority within the Government. The PFDJ completely dominated the Government, 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 has not transitioned to a democratically elected government and national elections, originally scheduled for 1997, were never held. The only authorized political party was the PFDJ, and there were no opposition parties active domestically (see Section 2.b.).

In 2001, the Government arrested and detained without charge 11 senior PFDJ and National Assembly members after they expressed dissenting political views (see Section 1.d.).

In February 2002, a new electoral commission was established to set a new date for elections and review the previously drafted laws; however, elections were still not scheduled at year's end. Government officials stated that the elections were delayed because of continuing tensions with Ethiopia and problems caused by dissidents and the press.

Elections for the first community judges were held throughout the country during the year, although most of these judges had not begun hearing cases by year's end. Elections for non-judicial government positions in Asmara and other large cities, which were planned for 2002, have not occurred.

Three women served on the PFDJ's 19-member Executive Council and 11 women on the 75-member Central Council. 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 the Ministers of Justice, Tourism, and Labor and Welfare. By

law, one-third of regional National Assembly seats are reserved for women, and women also may compete for the unreserved seats; however, the National Assembly does not meet.

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

There were 31 international and 16 domestic NGOs operating in the country; however, 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. Government officials were cooperative and responsive to CPE's views on these issues. All NGOs were required to register with the ERREC.

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 to approximately 70,000 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.).

The Ministry of Foreign Affairs and Ministry of Local Government jointly were responsible for handling human rights inquiries.

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 generally enforced these provisions. However, there continued to be problems with violence against women and discrimination against minority ethnic groups.

Women

Violence against women was pervasive. Spousal abuse is a crime; however, spousal abuse, especially wife beating, was widespread. Women seldom openly discussed domestic violence because of societal pressures. Such incidents were more commonly 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 victims of domestic violence during the year. The Government's 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. Almost all ethnic and religious groups in the country practiced FGM. 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 and the National Union of Eritrean Youth and Students 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 harmful 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. There were reports that national service members, who regularly patrol the city at night, occasionally followed prostitutes and arrested those who had spent the night with a foreigner. The Ministry of Labor and Human Welfare continued its National Plan of Action for the Prevention, Rehabilitation, and Reintegration of Commercial Sex Workers and successfully helped some prostitutes to obtain training and re-enter the legal economy.

The Government consistently advocated improving the status of women, many of whom played a significant role as fighters in the independence struggle. Women have a legal right to equal educational opportunities, equal pay for equal work, and legal sanctions against domestic violence; however, in practice, men retained privileged access to education, employment, and control of economic resources, with greater disparities in rural areas than in cities. Women

generally did not enjoy a social status equal to men. Laws were enforced unevenly, because of a lack of capacity in the legal system and long-standing cultural attitudes.

The law requires that women between the ages of 18 and 27 participate in national service (see Section 6.c.). During the year, efforts to detain women draft evaders and deserters decreased. According to some reports, women drafted for national service were subject to sexual harassment and abuse. In 2002, most women in the national service were scheduled to be demobilized; however, many were still serving at year's end. In addition, hundreds were required to continue serving in government ministries.

Children

The Ministry of Labor and Human Welfare is responsible for policies concerning children rights and welfare. The Children's Affairs Division in the Ministry of Labor and Human Welfare covered childcare, counseling, and probation. Although the Government was generally committed to children's rights and welfare, its programs were limited by resource constraints.

Education through grade seven is compulsory and the Government provides tuition-free education; however, students were responsible for uniforms, supplies, and transportation, which can be prohibitively expensive for many families. The Ministry of Labor and Human Welfare operated an Integrated Early Childhood Development Project to keep children off the streets by providing some of the most vulnerable with the books, uniforms, and other supplies necessary so that children would not be forced to drop out of school due to lack of financial resources. Education above grade seven requires a nominal fee and is not compulsory. 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.

The Government added an additional grade to secondary school during the year and required that all students attend their final year at a location adjacent to the Sawa military training facility. Students who do not attend this final year of secondary school do not graduate and cannot sit for examinations to be admitted to university. The remote location of this boarding school, concern about security, and societal attitudes resulted in few girl students enrolling for their final year of high school; however, women may earn an alternative secondary school certificate by attending night school after completing national service.

The law criminalizes child prostitution, pornography, and sexual exploitation.

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

Persons with Disabilities

There was no discrimination against persons with disabilities in employment, education, or in the provision of other state services. The 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 substantial share of its resources to support and train these former fighters, who were regarded as heroes. There are 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. There continued to be 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 was some societal discrimination against Kunamas because they were seen as ethnically and culturally different from most citizens.

Members of the Kunama ethnic group were detained without charges during the year (see Section 1.b.).

During the year, abuse of Ethiopians by individuals was not systematic, and there were fewer cases than in the previous year.

Section 6 Worker Rights

a. The Right of Association

The Constitution, which has not been implemented, and Proclamation 118 of 2001, which has the effect of law, provide workers with the legal right to form unions to protect their interests; however, some government policies restricted free association or prevented the formation of unions, including within the civil service, military, police, and other essential services. The Ministry of Labor and Human Welfare 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 labor associations during the year.

The National Confederation of Eritrean Workers (NCEW) 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 in the NCEW maintained affiliations with international unions.

b. The Right to Organize and Bargain Collectively

Under Proclamation 118, a tripartite board composed of workers, employers, and Ministry of Labor and Human Welfare officials is required to resolve differences. If a case cannot be resolved by the tripartite board to the satisfaction of the parties, the complainant has the option of pursuing the case in court. According to the NCEW, there were 166 labor disputes during the year, of which 20 were resolved in court, 36 through the tripartite board, 60 through negotiations. Fifty cases were still pending at year's end.

The law allows strikes; however, there were no strikes reported during the year.

There were no export processing zones.

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 men between the ages of 18 and 45, and women between the ages of 18 and 27, were required to participate in the national service program, which included military training and civilian work programs. In addition, some national service members were assigned to return 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 continued to receive only their national service salary. They were required to forfeit to the Government any money they earned above and beyond that salary. High school students also were required to participate in a paid summer work program.

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

Child labor occurred. The Government does not have a national plan of action to protect children from exploitation in the workplace; however, the legal minimum age for employment is 18 years, although apprentices may be hired at age 14. Proclamation 118 bars children, young workers and apprentices under 18 years of age from performing certain dangerous or unhealthy labor, including working in transport industries, jobs involving toxic chemicals or dangerous machines, and underground work such as mines and sewers. Labor inspectors from the Ministry of Labor and Human Welfare are responsible for enforcing child labor laws; however, due to the

small number of inspectors, inspections were infrequent. It was common for rural children who did not attend school 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.

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

e. Acceptable Conditions of Work

Two systems regulate employment conditions—the civil service system and the labor law system. There is no legally mandated minimum wage in the private sector. In the civil service sector, wages ranged 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 Proclamation 118, workers are entitled to 1 rest day per week. 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. A large number of foreigners worked as teachers.

f. Trafficking in Persons

The law prohibits trafficking in persons. Unlike in the previous year, there were no reports of trafficking for forced or bonded labor.