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Country Report on Human Rights Practices for 2011 - Eritrea

EXECUTIVE SUMMARY

The Government of Eritrea is an authoritarian regime under the control of President Isaias Afwerki. The People's Front for Democracy and Justice (PFDJ), headed by President Afwerki, is the sole political party. The PFDJ has controlled the country since 1991. Elections have not taken place since the country's independence from Ethiopia in 1993. Elements of the security forces frequently and with impunity acted independently of civilian control.

There were consistent and persistent reports of serious human rights violations. These abuses included, but were not limited to, harsh and life-threatening prison conditions that included torture and incommunicado detention, which sometimes resulted in death; forced labor of indefinite duration through the mandatory national service program; and the severe restriction of civil liberties including freedom of speech, press, assembly, association, and religion.

Other abuses included the following: unlawful killings by security forces; politically motivated disappearances; arbitrary arrest and detention, including of national service evaders and their family members; executive interference in the judiciary and the use of a special court system to limit due process; the detention of political prisoners and detainees; and infringement of privacy rights. They also included a lack of due process and excessive pretrial detention, and severe limits on freedom of movement and travel for all citizens, residents, and humanitarian agencies. All remaining international nongovernmental organizations (NGOs) were forced to close during the year, and the activities of the UN were severely restricted. Societal abuse and discrimination against women, the Kunama ethnic group, gay men and lesbians, members of certain religious groups, and persons with disabilities occurred. Female genital mutilation (FGM) was prevalent in rural areas. The government limited worker rights. Child abuse and forced child labor were problems.

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

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

a. Arbitrary or Unlawful Deprivation of Life

The government committed arbitrary killings. The government continued to subject detainees to harsh and life-threatening prison conditions, including torture that resulted in deaths during the year. For example, credible sources reported the death of three religious prisoners in Metier prison due to torture and complications from untreated diseases. Additional deaths resulted from the continued authorization of the use of lethal force against individuals resisting or attempting to flee military service or found in prohibited regions near the border or mining camps.

Persons detained for evading national service reportedly died from harsh treatment, and young men and women reportedly were severely beaten and killed during round-ups for national service. Widespread mistreating and hazing of conscripts sometimes resulted in deaths and suicides of national service members. The government continued summary executions and shooting of individuals on sight near mining camps and border regions for allegedly attempting to flee military service, interfering with mining activities, or attempting to leave the country without an exit visa.

In May and June the government rounded up approximately 3,000 religious workers from the government-approved Eritrean Orthodox, Evangelical (Lutheran), and Islamic faiths and sent them to the Wi'a military camp for national service. There were reports that lack of food and sanitary facilities at Wi'a resulted in illness among these religious workers. In previous years persons detained at Wi'a died from poor conditions. Reports continued that persons detained in Wi'a were tortured. Previously, religious workers from government-approved faiths were often not required to perform military service.

During the year a Jehovah's Witness member died while in detention. The government did not investigate or prosecute any reports of security force abuse.

b. Disappearance

An unknown number of persons disappeared during the year; they were assumed to be in government detention or to have died while in detention. The government does not regularly notify family members or respond to information requests regarding the status of detainees. This included persons detained based on their political and religious beliefs, journalists, and those who were thought to have evaded national service.

Approximately 30 journalists in prison were considered to have disappeared (see section 2.a.). The government also held local staff employed by foreign diplomatic missions in incommunicado detention and did not provide information regarding their location.

Round-ups in Asmara preceding the annual May 24 Independence Day celebrations were more coordinated than in previous years. Authorities detained an estimated several thousand persons in the capital region; some were held temporarily, while an unknown number reportedly disappeared.

There was no additional information regarding the February 2010 report of 12 Eritreans deported from Libya who disappeared.

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

The law and unimplemented constitution prohibit torture. However, torture and beatings are institutionalized within prison and detention centers. Reports of prisoners' deaths due to torture, poor sanitation, and inadequate medical treatment were common, although secrecy and lack of access make it impossible to determine the number of deaths.

Security forces tortured and beat army deserters, draft evaders, persons living near mining camps, persons attempting to flee the country without travel documents, and members of certain religious groups. Torture or mistreatment included prolonged sun exposure in temperatures of up to 120 degrees Fahrenheit; the binding of hands, elbows, and feet in contorted positions for extended periods of time; forcing inmates to walk barefoot on sharp objects; overcrowded conditions; exposure to extreme heat from confinement in crowded and unventilated metal shipping containers or in crowded cement-lined underground pits without ventilation or sanitation; suspension from trees with arms tied behind the back, a technique known as "almaz" (diamond); and being placed face down with hands tied to feet outside in the desert, a technique known as the "helicopter," while pouring sugar on detainees to attract biting insects. The government sanctioned these torture and abuse methods, and no known action was taken during the year to punish the perpetrators.

According to international NGO Human Rights Watch, Eritrean female refugees reported in 2009 that female conscripts in national service were often raped by their supervisors.

Prison and Detention Center Conditions

Prison conditions remained harsh and life threatening. Severe overcrowding was common. Some prisoners were shackled in unventilated holding cells for long periods of time in extreme desert heat and died due to heat exhaustion and lack of medical care. Underground cells or shipping containers with little or no ventilation in extreme temperatures held prisoners. The shipping containers were reportedly not large enough to allow all of those incarcerated to lie down at the same time. The cement-lined underground bunkers held up to 200 prisoners each; prisoners reportedly lost consciousness from the extreme heat.

The government did not provide adequate provisions for basic and emergency medical care in prisons and detention centers, and detainees died due to lack of medical treatment during the year. Food was not adequate. Potable water was generally not available.

During the year Misghina Gebretinsae, a Jehovah's Witness, died while in prison. He was reportedly held in solitary confinement in a container the week before his death. Authorities arrested Gebretinsae in 2008 during the onset of arrests of many Jehovah's Witnesses.

There were numerous unofficial detention centers, most located in military camps and used as overflow detention centers following mass arrests and roundups. Detention center conditions for persons temporarily held for evading military service were also harsh and life threatening. During the year there were hundreds of such detainees. Draft evaders were reportedly sent to the Wi'a military camp where, typically, they were beaten. Some were held as long as two years before being reassigned to their units. At one detention facility outside Asmara, authorities continued to hold detainees in an underground hall with no light or ventilation and sometimes in very crowded conditions.

Use of psychological torture was common, according to former inmates. One common technique was for the interrogator to open and close a cell door constantly, as if the prisoner were going to be taken for interrogation with beatings. Denial of food, medical treatment, and family access were also used to punish prisoners. Some prisoners were released after close friends or relatives offered their homes or other property as bond.

The government did not investigate and monitor prison and detention center conditions. There are more than 300 prisons and detention centers, which were filled to capacity.

Although there was a juvenile detention center in Asmara, juveniles frequently were held with adults in prisons and detention centers, and some young children were held with their mothers. Juveniles were sometimes imprisoned with their mothers and other detainees in adult facilities. Pretrial detainees typically were not separated from convicted prisoners.

Prisoners and detainees did not have reasonable access to visitors and were not always permitted religious observance. Authorities commonly moved prisoners to locations far from their families to make family visits impossible. In some circumstances authorities permitted convicted criminals up to three visits per week by family members; however, this was only common for those who had relatives working within the government. Persons detained, arrested, or convicted for reasons of national security or for evading national service were denied family visits and often were held in solitary confinement. Those imprisoned were often interrogated about religious affiliation and were asked to identify members of religious groups that were not approved, such as Jehovah's Witnesses.

Authorities did not permit prisoners and detainees to submit complaints to judicial authorities without censorship and to request investigation of credible allegations of inhumane conditions, which authorities did not investigate. There were no ombudsmen to serve on behalf of prisoners. There are no provisions for addressing the status and circumstances of confinement of juvenile offenders, pretrial detention, or bail. Recordkeeping procedures are not transparent, making it impossible to assure that prisoners do not serve beyond the maximum sentence for the charged offense.

During the year the government did not permit the International Committee of the Red Cross (ICRC) to monitor prison conditions; this included denying the ICRC access to Ethiopian prisoners of war detained in the country.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

Police were responsible for maintaining internal security, and the army was responsible for external security; however, the government utilized the armed forces, the reserves, and demobilized soldiers to meet either domestic or external security requirements. Agents of the National Security Office, which reports to the Office of the President, were responsible for detaining persons suspected of threatening national security. The armed forces have the authority to arrest and detain civilians.

Police generally did not have a role in cases involving national security, but they were heavily involved in rounding up individuals evading national service.

During the year the police, armed forces, and internal security arrested and detained persons without due process and often used violence. Police forcibly arrested individuals on the street who were unable to present identification documents. Those in the government national service were required to present “movement papers” issued by their offices or departments authorizing their presence in a particular location. Those persons who did not present “movement papers” were arrested. Participation in the national service program, which is of indefinite duration and requires conscripts to perform a wide variety of military and nonmilitary activities, is mandatory. Impunity for abuse was the norm.

Arrest Procedures and Treatment While in Detention

The law stipulates that unless there is a “crime in progress,” police must conduct an investigation and obtain a warrant prior to making an arrest. In cases involving national security, this process may be waived. In practice very few individuals were arrested with a warrant. The law stipulates that detainees must be brought before a judge within 48 hours of arrest and may not be held more than 28 days without being charged with a crime. In practice suspects were detained for much longer periods without being brought before a judge, charged with a crime, or in some cases even understanding the reason for their detention. Authorities also often changed the charges against detainees during detention. The government argued that those detained without charge can be assumed to be charged under national security grounds.

There were credible reports that release from detention sometimes occurred in the following circumstances: after providing proof of completion of national service, after being threatened with death for continued religious or homosexual activity, after recanting religious faith or declaring allegiance to the Eritrean Orthodox Church, after paying a fine equivalent to hundreds or thousands of dollars or having another person put up their house as guarantee, after unpaid forced labor such as picking vegetables for several months, or just before imminent death caused by torture during detention.

The law provides for a bail system, except for persons charged with national security crimes or crimes that could carry the death penalty. In practice bail was arbitrary, not always used, and often involved paying a bribe after someone with government connections interceded. Detainees in prisons often did not have access to counsel. Detainees in police stations not held on national security grounds often had access to legal representation and family members. It was unclear whether indigent detainees were sometimes provided counsel, as occurred in previous years. Incommunicado detention was widespread.

Arbitrary Arrest: Arbitrary arrest occurred frequently. Security force personnel detained individuals for reasons such as evading national service, criticizing the government, practicing one’s religious beliefs, and for unspecified alleged national security reasons. Numerous persons were detained, even if they had valid papers showing they had completed or were exempt from national service. In practice most detainees were informally charged with violations relating to national service, effectively allowing authorities to incarcerate them indefinitely.

Security forces also continued to detain and arrest the parents and spouses of individuals who evaded national service or fled the country.

There were reports of mass arrests known as round-ups, in which citizens were held without charge indefinitely while authorities sorted out their military service paperwork in search of deserters and questioned them about their religious affiliation. These round-ups tended to coincide with the observance of Independence Day and also harvest season, when many of those detained were forced to pick vegetables for several months for no pay on government-controlled farms.

The government continued to arbitrarily arrest members of nonregistered religious groups and persons who criticized the government (see sections 2.a. and 2.c.). There was at least one report of a Jehovah's Witness being arrested during the year.

Authorities reportedly arrested 41 evangelicals on New Year's Eve 2010 and 31 others on January 9. No further information was available as to the whereabouts of individuals detained.

The government does not recognize dual nationality, and during the year security forces arbitrarily arrested citizens holding other nationalities on national security charges.

Numerous reports also indicated that persons with connections to high-level officials instigated the arrest of individuals against whom they held grudges. In many instances these individuals were never formally charged.

Pretrial Detention: The government held numerous other detainees without charge or due process. The percentage of the prison/detainee population in pretrial detention was not available. Some detainees were still in prison after a decade, and others died while in detention. Detainees included an unknown number of persons suspected of antigovernment speech or association with the 11 former PFDJ members arrested in 2001. Suspected Islamic radicals or suspected terrorists also remained in detention without charge. Some had been detained for more than 10 years. These detainees reportedly did not have access to legal counsel and were not brought before a judge. During the year the deposed Abune Antonios patriarch remained under house arrest (see section 2.c.). There were also widespread reports that many detainees were released without going to trial.

e. Denial of Fair Public Trial

The law and unimplemented constitution provide for an independent judiciary; however, in practice the judiciary was impotent. Judicial corruption remained a problem. Executive control of the judiciary continued; the Office of the President served as a clearinghouse for citizens' petitions to the courts or acted for the courts as arbitrators or facilitators in civil matters. The judiciary suffered from a lack of trained personnel, inadequate funding, and poor infrastructure. Many civilian and special court judges are former senior military officers with no formal legal training. They generally based their decisions on "conscience" without reference to the law. The drafting into national service of many civilian court administrators, defendants, judges, lawyers, and others involved in the legal system continued to have a significant negative effect on the judiciary.

The attorney general allowed special courts to retry civilian court cases, including those decided by the High Court, thereby subjecting defendants to double jeopardy. In rare instances appeals made to the Office of the President reportedly resulted in special courts rehearing certain cases.

Administered by the military, the special courts are overseen by the Office of the President. The executive-controlled special courts issue directives to other courts regarding administrative matters, although their domain was supposed to be restricted to criminal cases involving capital offenses, theft, embezzlement, and corruption. They are used as a tool to silence dissent. The Office of the Attorney General decides which cases are to be tried by a special court. No lawyers practice in the special courts. The judges serve as the prosecutors and may request that individuals involved in the cases present their positions. The special courts, which do not permit defense counsel or the right of appeal, allowed the executive branch to mete out punishment without regard for due process. Most trials in special courts were not open to the public.

Most citizens' only contact with the legal system was with the traditional community courts. In these courts judges heard civil cases, while magistrates versed in criminal law heard criminal cases. Customary tribunals were sometimes used to adjudicate local civil and criminal cases. The Ministry of Justice offered training in alternative dispute resolution to handle some civil and criminal cases. The military court has jurisdiction over penal cases brought against members of the armed forces in addition to crimes committed by and against members of the armed forces. Presiding judges are senior military officers, and the court has higher and lower levels, depending on the seriousness of the offense. With approximately 200,000 enlisted personnel in the armed forces, the military courts have a significant and unregulated importance in the country.

Sharia (Islamic law) for family and succession cases may be applied when both litigants in civil cases are Muslims. The government allowed Muslim courts to apply sharia, but not in any cases where physical punishment was envisioned.

Trial Procedures

Most detained persons were not ever brought to trial. No cases involving individuals detained for national security or political reasons were brought to trial.

The judicial system consists of regular courts and special courts. In regular courts defendants have the right to be present and to consult with an attorney; however, many could not afford a lawyer, and government legal aid was rarely provided. The government reopened the law school in 2010. New lawyers work for the government and do not go into private practice.

The regional court is generally the court of first instance and has civil, criminal, and sharia benches. The sharia bench adjudicates family law for Muslims only. Decisions rendered by any of the benches at the regional court can be appealed to the High Court. The High Court is primarily an appellate court but also serves as the court of first instance for cases involving murder, rape, and other serious felonies. The High Court also has civil, criminal, and sharia benches. Only in the High Court do defendants have the right to confront and question witnesses, present their own witnesses, present evidence, gain access to government-held evidence, appeal a decision, and enjoy the presumption of innocence. However, the High Court adjudicated very few cases, trials were generally closed to the public, and the attorney general allowed High Court cases to be retried in special courts where defendants have none of the above rights in practice. There also is a five-judge bench that hears final appeals in lieu of a Supreme Court.

Rural courts followed customary law rather than constitutional law and were headed by rural elders or elected officials. Local administrators in rural areas encouraged citizens to reconcile outside the

court system for less serious cases, and customary courts are widely used. More substantial cases were reserved for the courts. Some trials in rural courts were open to the public but were not heard by a jury; they were heard by a panel of judges.

Political Prisoners and Detainees

Persons were routinely arrested on political grounds, and the penal system lacked due process and transparency. There were reports that the government continued to hold without charge and sometimes torture 2,000 to 3,000 members of unregistered religious groups and numerous members of the Eritrean Liberation Front, an armed opposition group that fought against Ethiopia during the struggle for independence. The government did not permit access to such persons by international humanitarian organizations. No new information was available regarding Eritrean diplomats and staff of embassies and international organizations detained in previous years. In 2010 a former prison official reported that 20 of a group of 35 high-ranking government officials, journalists, and staff of international organizations remained detained at Era-Ero prison; the other 15 had reportedly died.

In May and June, the government arrested 90 religious believers around Asmara, in addition to the approximately 3,000 religious workers detained during the same time period (see section 1.a.). Of the 90, six were reportedly released by year's end.

Civil Judicial Procedures and Remedies

There are no civil judicial procedures for individuals claiming human rights violations by the government. For the majority of citizens, there were few remedies available for enforcing domestic court orders; however, persons affiliated with the executive branch, former fighters, and persons with wealth could use their influence with the court to secure civil remedies under the law.

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

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

The government entered homes without judicial authorization. There were reports that plainclothes agents of the National Security Office entered homes without warrants, carried out illegal searches, and threatened family members, including children. For example, there were reports that security forces targeted gatherings of unregistered religious groups, regularly searched their homes, and detained their members.

The government monitored mail, e-mail, text messages, and telephone calls without obtaining warrants as required by law. Government informers were present throughout the country. Many citizens believed the government particularly monitored cell phones; it requires a permit for the use of SIM cards, necessary for operating and storing information in mobile phones. The government allowed only one SIM card per person, although this rule was unevenly applied, and there was a black market for the sharing of SIM cards. The government did not allow citizens in military service to have SIM cards. There were reports of the government arresting those who rented their

cell phones to others or used a cell phone while in military service. Mail was commonly opened and resealed before delivery. If mail was sent to the country containing religious material or other material deemed suspicious by the government, the government typically confiscated the mail and called in the person designated to receive the mail for interrogation.

The government deployed military and police personnel throughout the country, using roadblocks, street sweeps, and house-to-house searches to find deserters and draft evaders. Security forces continued to detain and arrest parents and other family members of individuals who evaded national service or fled the country. There were reports that such parents were either fined 50,000 nakfa (\$3,333) or forced to surrender their children to the government. Government officials entered households and confiscated property and livestock of draft evaders.

Membership in the PFDJ, the only legal political party, was not mandatory for all citizens; however, the government coerced membership for certain categories of individuals, particularly those occupying government positions or assigned through national service, to serve in government institutions. All citizens were forced to attend PFDJ indoctrination meetings irrespective of membership, and there were reports of threats to withhold the ration cards of those who did not attend. There were reports that similar meetings were mandatory for Eritrean communities abroad, and the names of those not attending were reported to government officials. Reportedly citizens who did not attend were harassed, and their families in Eritrea were subject to harassment. Eritrean officials overseas also collected biographical and contact information on Eritreans living abroad.

It was reported that Eritrean military officials or proxies used access to persons in refugee communities in neighboring countries such as Kenya and Sudan to threaten them against becoming politically active in Eritrean politics without permission of their respective governments.

There were also reports of security forces arresting persons whose foreign family members did not pay their extraterritorial income tax of 2 percent of foreign earned income.

Military and other officials seized residences and businesses belonging to private citizens and registered and unregistered religious organizations and housed the families of senior military officers or other officials in the properties, used them for government or military functions, or transferred ownership to civilian and military officials. No compensation was given for such forced evictions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

Status of Freedom of Speech and Press

The law and unimplemented constitution provide for freedom of speech and of the press; however, the government severely restricted these rights in practice.

Freedom of Speech: The government severely restricted the ability of individuals to criticize the government in public or in private, and some who did were arrested or detained. Gatherings were considered illegal without prior approval, and the government routinely monitored religious gatherings. Most other gatherings took place through government-run organizations and thereby were implicitly monitored by government officials present. Public criticism about the government's inability to combat poverty and malnutrition was prohibited. The government actively monitored the Eritrean diaspora via agents.

Freedom of Press: The private press remained banned. The government controlled all media, which included one newspaper that was published in three languages, three radio stations, and a television station. The law requires journalists to be licensed. The law does not allow private ownership of broadcast or other media. Satellite dishes were widespread in Asmara and allowed by the government. Throughout the year the government ordered restaurants and hotels to shut off television satellite feeds of international news organizations when stories were shown that they believed could incite unrest, particularly those relating to events in North Africa and the Middle East. The minority who could afford to purchase satellite dishes had access to uncensored international news.

The law restricts printing and publication of materials. The printing of a publication that does not have a permit and the printing or dissemination of prohibited foreign publications are both punishable by imprisonment. Government approval is required for distribution of publications from religious or international organizations.

During the government-sponsored annual book fair in Asmara, from March 18 to 25, those attempting to buy books were required to show their national identity cards. Supervisors of booths selling books logged the names and national identity numbers of purchasers.

Violence and Harassment: Most independent journalists remained in detention. According to Reporters Without Borders, the government continued to detain more than 30 journalists during the year. The government did not provide information about their places of detention or health, rendering these cases of forced disappearance. Between June 1, 2010, and May 31, six journalists reportedly fled the country.

During the year authorities arrested at least four journalists. In February authorities arrested radio journalists Nebiel Edris, Ahmed Usman, and Mohamed Osman. In March the government arrested sports journalist Tesfalidet Mebrahtu, who worked with state-owned radio and television.

No new information was available regarding the disappearance of Dawit Isaac, founder of the now-closed weekly newspaper *Setit*. Isaac's brother and others reportedly submitted a writ of habeas corpus to the court requesting details on his location and a review of his detention.

Censorship or Content Restrictions: Most independent journalists remained in detention or had fled the country, which effectively prevented any media criticism of the government. All other journalists practiced self-censorship due to fear of government reprisal. Journalists are required to obtain written permission to take photographs. The one foreign news organization operating had only one heavily censored stringer, who did not permanently reside in the country.

Libel Laws/National Security: Although libel or national security laws were not used to prosecute persons, the government repeatedly asserted that national security concerns were at the root of suppressing free speech and criticism. Persons detained in relation to freedom of speech and press often were detained indefinitely without being brought to trial.

Internet Freedom

There were government restrictions on access to the Internet, and the government monitored Internet communications.

The government monitored e-mail without obtaining warrants as required by law. All Internet service users were required to use one of the three Internet service providers owned directly by the government or controlled through high-ranking PFDJ party members. While Internet cafes with extremely limited bandwidth were available in Asmara and other major cities, the vast majority of persons in the country did not have access to the Internet. Those who wanted a larger bandwidth, such as some international mining corporations, paid exorbitant prices far beyond the reach of the local population. In rural areas of the country, there was no access to the Internet. Government informants frequented Internet cafes, where they visually monitored customers' screens and occasionally demanded customers' records. The government also discouraged citizens from viewing Web sites known to be antigovernment by continuously labeling the sites and their developers as saboteurs of the government. Many citizens expressed fear of arrest if the government caught them viewing such sites.

Academic Freedom and Cultural Events

The government restricted academic freedom, including by restricting or censoring course content and curriculum and censoring or sanctioning academic personnel for their teachings, writing, and research. Academic travel and contact with other academics at home and abroad was restricted, intimidating academics into practicing self-censorship and influencing academic appointments based on political affiliation.

The government systematically restricted the ability of persons to access education. In order to enroll their children in more selective primary schools, parents often paid bribes or provided favors to local authorities or staff at the school.

There were reports that schools separated students whose families included liberation fighters from students whose families did not include fighters. Students whose families included liberation fighters were sometimes required to serve only five months or less in the military and were often assigned to prized places in technical colleges, freeing them of indefinite military service. Students whose families did not include a liberation fighter often served indefinite military service with no opportunity for higher education.

With few exceptions students must finish their last high school year at the Sawa military and educational camp and were not permitted to choose their next course of study, instead being assigned to specific vocational programs based on their performance on the matriculation exam. Only those students who completed military training at Sawa or received a medical waiver were allowed to take the exam.

In 2002 the government reorganized the University of Asmara, closing the central campus and splitting it into seven undergraduate colleges spread throughout the country. It was commonly believed that this was done to avoid a concentration of students who might stage political protests.

The government denied exit visas to many students who wanted to study abroad. College academics who wished to travel abroad for further study or training were required to seek exit visas and permission in advance from the appropriate college president and the government. Many students chose to risk their lives by illegally crossing the border into Sudan or Ethiopia in hopes of attending a university abroad.

During the year the government censored, canceled, or closed films, art exhibits, and other cultural activities. For example, the government routinely monitored libraries and cultural centers maintained by foreign embassies, threatening censure of material and, in some instances, intimidating and harassing employees and attendees. There were few cultural events which were not directly sponsored by the government.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law and unimplemented constitution provide for freedom of assembly and association; however, the government did not permit either. For public gatherings, the government required those assembling to obtain a permit, although this requirement was enforced only sporadically.

Security forces disrupted public meetings and religious and cultural gatherings. Security forces typically photographed, interrogated, and recorded the names of participants.

On April 27, in the town of Segheneyti, police arrested 120 Catholic parishioners who were marching to the regional administrator's office to protest a government order for their priests to report to Sawa Military School. Those detained were later released.

Freedom of Association

The law and unimplemented constitution provide for freedom of association; however, the government did not respect it in practice.

The government did not allow the formation of any political parties other than the PFDJ. It also prohibited the formation of any associations or private organizations.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/j/drl/irf/rpt.

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

The law and unimplemented constitution provide for freedom of movement, foreign travel, emigration, and repatriation; however, the government restricted all of these rights in practice. For example, citizens participating in national service were often denied internal travel permits, passports, and exit visas unless they received special privileges or paid bribes.

The government provided limited cooperation to the Office of the UN High Commissioner for Refugees (UNHCR) to provide protection and assistance to refugees recognized by the government. However, the government did not recognize refugees from Ethiopia or cooperate with the UNHCR on their behalf. The government's Office of Refugee Affairs managed the refugee camps, providing clinics, schools, and other resources. The camps were primarily composed of persons from Somalia and Sudan. Refugees from Ethiopia generally lived in the capital.

In-country Movement: Citizens require government permission for most travel within the country and to change their places of residence. The government severely restricts travel to the border regions and even bans bus services to certain towns near the border with Ethiopia.

Military police periodically set up surprise checkpoints in Asmara and on roads between cities to find draft evaders and deserters. Police also stopped persons on the street and detained those who were unable to present identification documents or movement papers showing they had permission to be in that area.

Travel restrictions imposed in 2006 on noncitizens remained in effect. All diplomats, humanitarian organizations, UN staff, and foreign tourists were required to obtain advance permission from the government to leave Asmara. Travel restrictions were enforced at military checkpoints. Securing travel permission was not a transparent process. While some foreign nationals obtained permission to travel to certain locations, the government refused to issue travel permits to others traveling to the same place. The government often failed to respond to requests for travel authorization.

Prior to the closure of all international NGOs, the government prevented NGO travel by restricting fuel supplies and failing to respond to requests for travel permits.

Foreign Travel: The government severely restricted foreign travel and continually modified its requirements to obtain passports and exit visas, sometimes suspending passport or exit visa services without warning. The prohibitive cost of passports deters many citizens from foreign travel. It costs a citizen in national service the equivalent of 40 percent of his or her gross yearly salary to obtain a valid passport. Some persons previously issued passports were not allowed to renew them, nor were they granted exit visas.

Citizens and some foreign nationals were required to obtain exit visas to depart the country. Persons routinely denied exit visas included men under the age of 54, regardless of whether they had completed national service; women younger than 47; members of Jehovah's Witnesses and other unregistered religious groups; persons who had not completed national service; and other persons out of favor with, or seen as critical of, the government. While not consistently implemented, some relaxation of exit visa requirements took place during the year, allowing an unknown number of persons below the described age cutoffs to leave the country without imposing additional bribes or favors to officials. Some females married more than 10 years and some persons released from national service received exit visas.

In 2006 the government began refusing to issue exit visas to children 11 years old and older. Increasingly, children of any age were denied exit visas either on the grounds that they were approaching the age of eligibility for national service or because their foreign-based parents had not paid the 2 percent income tax required of all citizens residing abroad. The government did not in general grant exit visas to entire families or both parents of children simultaneously in order to prevent families from fleeing the country. Some citizens were given exit visas only after posting bonds of approximately 150,000 nakfa (\$10,000) or more. Exit visa policies were frequently adjusted in nontransparent ways specifically to benefit the relatives of high-ranking government officials. For example, the government posted notices on current exit visa regulations in nondesignated, inconsistent, and inaccessible locations.

Emigration and Repatriation: In general citizens had the right to return. However, citizens residing abroad had to show proof that they paid the 2 percent tax on foreign earned income to be eligible for some government services, including exit visas for future departures from the country. If the applicant had broken a law abroad, contracted a serious contagious disease, or was declared ineligible for political asylum by other governments, his or her application to return to the country was considered on a case-by-case basis.

In 2009 the government halted its repatriation program with the ICRC, preventing the repatriation of thousands of Ethiopians.

Citizenship: The government does not recognize dual citizenship. It generally considered persons of Eritrean descent to be citizens. The government did not grant consular access to detained dual citizens. In 1994 the government revoked the citizenship of Jehovah's Witnesses due to their refusal to take part in the referendum on independence or participate in national service. Younger Jehovah's Witnesses who did not perform the compulsory military service were not able to obtain identification cards and thus were not eligible for any government sector jobs or for coupons to buy basic essentials (food and kerosene) at government-subsidized prices.

Internally Displaced Persons (IDPs)

While almost all IDPs from the conflict with Ethiopia were permanently resettled in previous years, hundreds of IDP families remained in the Gash Barka Region. The government allowed UN organizations and the ICRC to provide assistance to former IDPs.

Protection of Refugees

Access to Asylum: The country's laws do not specifically provide for the granting of asylum or refugee status. However, in practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened on account of their race, religion, nationality, membership in a particular social group, or political opinion. The government did not grant Ethiopians asylum.

The government required noncitizens to pay an annual fee for a residency card; there was no discrimination regarding nationality in terms of protection of refugees, except for Ethiopians. The fee was 500 nakfa (\$33); the card was used to demonstrate that a foreigner was not indigent. If foreigners could not pay the fee, they were first referred to the ICRC for repatriation. If they refused repatriation, they were incarcerated for 60 days, at which point the cycle began again.

Refugee Abuse: As in previous years the government systematically rounded up persons who had not performed military service and Ethiopians around the country's Independence Day (May 24). The Ethiopians were held in a camp until authorities verified they were not indigent or they paid a fine.

Reports indicated that the government provided resources to Ethiopian refugees only if the refugees joined Ethiopian opposition groups. Ethiopian refugees who did not join opposition groups were harassed by government officials.

Temporary Protection: The government provided temporary protection to 89 persons from Sudan, 3,865 persons from Somalia, and 77 persons from Ethiopia on a prima facie basis.

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

The law and unimplemented constitution provide citizens with the right to change their government peacefully; however, citizens were not allowed to exercise this right in practice.

Elections and Political Participation

Elections: The government came to power in a 1993 popular referendum in which voters chose to have an independent country managed by a transitional government; however, the transitional government did not permit the formation of a democratic system. The government twice scheduled elections in accordance with the constitution but cancelled them without explanation. An official declaration in 2003 claimed that, "in accordance with the prevailing wish of the people, it is not the time to establish political parties, and discussion of the establishment has been postponed." Government officials also stated that implementation of the constitution was not possible until the border demarcation with Ethiopia was finalized. In 2008 the president claimed in an Al-Jazeera interview that elections might not take place for another 30 or 40 years.

Political Parties: The country is a one-party state. Power rested with the PFDJ and its institutions. At times the government coerced persons to join the PFDJ. Although no other political parties operated in the country, citizens living abroad established several political parties and a shadow government in Ethiopia. During the year the government continued to label individuals as gay, traitors, rapists, pedophiles, and traffickers if they were deemed not loyal to the government.

Participation of Women and Minorities: Almost all high-level government officials were former liberation fighters who had been in power since 1993. Women held four nominal ministerial positions in the government: justice, labor and human welfare, tourism, and health. Women also served in other government positions, such as mayors and regional administrators.

A few members of ethnic minorities were on the PFDJ's Executive Council or served on the Central Council. Some senior government and party officials were members of minority groups such as the Tigre. The head of the navy was an ethnic Afar.

Section 4. Official Corruption and Government Transparency

The law does not provide criminal penalties for official corruption, and officials frequently engaged in corrupt practices with impunity.

Persons seeking executive and/or judicial services often must pay a “gift” or bribe through a system of patronage and cronyism to access services. There were reports of petty corruption within the executive branch, largely based on family connections. Judicial corruption was also a problem, and illegal acts such as property theft were not prosecuted when carried out by certain military officials or former fighters from the independence struggle who were in favor with the government. Officials involved in the penal system often manipulated the family members of those in detention for illegal bribes or other favors.

There were allegations of corruption among armed forces leaders involving illicit trade, the appropriation of houses, and the black market sale of goods such as diesel fuel and cement. Corruption was extensive for government services involving issuance of identification and travel documents, including in the passport office. Individuals requesting exit visas or passports often had to pay bribes.

Police, who often were conscripted, were paid 15 nakfa (\$1), and corruption was a problem. Reports were common of police and other security force members committing crimes to supplement their income, including breaking into homes to steal jewelry, money, and food. Police typically used their influence to assist friends and family, such as facilitating their release from prison. Reports were common that police demanded bribes to release detainees and that military personnel systematically accepted money to smuggle citizens from the country and cooperated with human trafficking groups. There were no mechanisms to address allegations of official abuse, and impunity was a problem.

Public officials were not subject to financial disclosure laws, and there was no government agency responsible for combating government corruption.

The government has a history of seizing successful private companies and transferring them to the PFDJ or the government. Individuals were not compensated for these seizures. The government provided privileges to former liberation “fighters” and their relatives by granting them access to business opportunities, licenses to import and export goods, education privileges, and property expropriated from “nonfighters.”

Although the law and unimplemented constitution provide for public access to government information, the government did not provide information to either citizens or noncitizens.

Section 5. Governmental Attitude Regarding International and Nongovernmental

Investigation of Alleged Violations of Human Rights

The government forced the closure of all remaining international NGO offices during the year (Oxfam, Lutheran World Federation, Irish Self-Help, Gruppo Missione Asmara of Italy, Refugee Trust International, and Norwegian Church Aid), and seized NGO property that it claimed belonged to the government. These NGOs filled gaps in essential services that the government did not provide, such as adequate access to food and water. Prior to the closure, the government sometimes prevented NGO travel by restricting fuel supplies and failing to respond to requests for travel permits.

Civil society organizations were few in number, lacked capacity, and were controlled by the government or fearful of government reprisal.

UN and Other International Bodies: The government severely restricted UN operations in the country. The government did not permit the World Food Program, which maintained an office in the country, to conduct humanitarian food distribution, although it allowed UNICEF to continue its supplemental feeding programs under the supervision of the Ministry of Health. By requiring UN organizations to obtain permission for travel outside the capital, the government effectively controlled access to rural areas.

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

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

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

Women

Rape and Domestic Violence: Rape is a crime punishable by up to 10 years of imprisonment. Gang rape or rape of a minor or an invalid is punishable by up to 15 years in prison. Sexual assault is punishable by six months to eight years in prison. Spousal rape is not specifically outlawed. No information was available on the prevalence of rape. Authorities often responded to reports of rape by encouraging the perpetrator to marry the victim. Allegations of women being raped while attending mandatory military and educational training at the Sawa camp were common.

Violence against women occurred and was pervasive in rural areas. Domestic violence is a crime; however, domestic violence cases were rarely brought to trial, and there were no legal penalties.

Women seldom openly discussed domestic violence because of societal pressures. Such incidents were more commonly addressed, if at all, within families or by clergy. The authorities' response to domestic violence was hindered by a lack of trained personnel, inadequate funding, and unsupportive societal attitudes.

Female Genital Mutilation (FGM): (See section 6, Children--Harmful Traditional Practices).

Sexual Harassment: Sexual harassment is illegal; however, cultural norms prevented women from reporting such incidents, and no one was known to have been charged or prosecuted for sexual harassment during the year.

Reproductive Rights: Couples and individuals have the basic right to decide freely and responsibly the number, spacing, and timing of their children, and to have the information and means to do so free from discrimination, coercion, and violence. In January the government forced all private medical clinics to close. Maternal mortality was high due to lack of skilled medical personnel and supplies. The government runs a program for child and maternal health and funds contraception, but access to such programs in rural areas was limited.

Discrimination: Women have a legal right to equal educational opportunities, equal pay for equal work, and equal property rights; however, in practice men retained privileged access to education, employment, and control of economic resources, particularly in rural areas. Women generally did not enjoy a social status equal to men.

The law requires that women, starting from grade 12, participate in national service, although girls already married were generally exempt. During the year the government continued efforts to detain female draft evaders and deserters. Women drafted for national service were often subjected to rape, sexual harassment, and other abuse.

The Ministry of Labor and Human Welfare and the Ministry of Health are the primary government offices responsible for ensuring legal rights of women along with the quasigovernmental National Union of Eritrean Women (NUEW).

Children

Birth Registration: Citizenship is derived from at least one parent being an Eritrean citizen. Registration of a new birth within the first three months of a child's life requires only a hospital certificate; after three months the parents must present themselves to the local (zoba) authorities with the child and three witnesses. If not registered a child cannot attend school but can receive medical treatment at hospitals. An increasing number of persons registered their children within the three-month period to avoid complications. Persons born abroad to at least one Eritrean parent are considered citizens. Some persons born to Eritrean parents in Eritrea were not able to obtain national identity cards and government services due to government discrimination--for example, members of certain religious groups.

Education: Education through grade seven is compulsory and tuition-free; however, students were responsible for uniforms, supplies, and transportation, which were prohibitively expensive for many families. Education above grade seven required a nominal fee and was not compulsory. There was a shortage of schools and teachers at all levels. Schools have two shifts, which reduces the amount of

teaching time per student. Three students often have to share a single chair. In rural areas young girls usually discontinued school early to work at home.

The government requires all students (except girls already married, who were generally exempt) who reached the final year of secondary school to attend grade 12 at the Sawa military and educational camp in the western section of the country. Students who did not attend this final year did not graduate and could not take examinations that determined eligibility for advanced education. Many students repeated grades, dropped out of school after the 11th grade, or attempted to leave the country to avoid being forced to go to the camp. In addition, some female students married to avoid being forced to attend the camp. Women could earn an alternative secondary school certificate by attending night school after completing national service. There were reports that students whose parents were liberation fighters were favored over others in assignment of living accommodations, shorter terms of national service, more frequent approvals for temporary leave from military training, and greater opportunities for study.

Child Abuse: There are no laws against child abuse and no government programs to combat the problem. Physical punishment was widespread and socially accepted.

Child Marriage: The legal minimum age for marriage for both men and women is 18, although religious entities may bless marriages at younger ages. UNICEF reported in 2009 that 46 percent of girls were married before reaching 18.

Harmful Traditional Practices: The law prohibits FGM. According to reliable sources, the practice of FGM has been largely eliminated in urban areas through the impact of government educational campaigns, but FGM continued among the majority rural population. Before recent campaigns largely eliminated FGM in urban areas, international organizations reported that 95 percent of girls had undergone FGM, and that figure was likely still accurate in rural regions. In the lowlands, infibulation--the most severe form of FGM--was practiced. The government and other organizations, including the NUEW and the National Union of Eritrean Youth and Students, continued to sponsor a variety of education programs that discouraged the practice.

Sexual Exploitation of Children: The law criminalizes child prostitution, pornography, and sexual exploitation. The minimum age for consensual sex is 18. There were several known locations in the capital where prostitution, including child prostitution, took place.

Child Soldiers: The law prohibits the recruitment of children under 18 into the armed forces; however, in practice younger children were conscripted by their forced attendance at Sawa military and educational camp. Those who did not attend remain at risk of arrest. Students at Sawa were typically 18 years old or older, although a fair percentage were as young as 16.

Displaced Children: During the year humanitarian groups and interlocutors continued to anecdotally note an increase from previous years in the number of street children due in part to an increase in economic hardship. UNICEF funded programs for street children; however, the increase in the number of street children outstripped the program's ability to provide services.

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

Anti-Semitism

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

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

Persons with Disabilities

The law and unimplemented constitution prohibit discrimination against persons with disabilities in employment, education, or in the provision of other state services. Reports of discrimination against persons with disabilities, especially in rural areas, were common. This was particularly the case for those who were not former liberation fighters. The government dedicated substantial resources to support and train the thousands of men and women with physical disabilities that resulted from the war for independence and the later conflict with Ethiopia. There are no laws mandating access for persons with disabilities to public roads, public or private buildings, information, and communications. A few hotels and government offices provided such access or employed guards that would provide assistance as needed. The Ministry of Labor and Human Welfare was responsible for protecting the rights of persons with disabilities.

National/Racial/Ethnic Minorities

Discrimination against minorities was a problem. There were reports of government and societal discrimination against the Kunama, one of nine ethnic groups, who reside primarily in the northwest.

Web sites stated that the government ignored the impact of the June 12 Nabro volcano eruption on ethnic minorities who resided in the area near the volcano.

Governmental and societal abuse of Ethiopians occurred. Ethiopians were arbitrarily arrested and asked to pay bribes to be released.

Requests from citizens in rural areas (where ethnic minorities are concentrated) for basic services, such as an adequate number of schools, were routinely ignored by the government.

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

The law criminalizes consensual same-sex sexual activity. Individuals continued to be detained for alleged consensual same-sex sexual activity. During the year there were unconfirmed reports that the government carried out periodic roundups of individuals considered gay or lesbian. Gay men and lesbians faced severe societal discrimination. The government repeatedly accused foreign governments of promoting homosexuality to undermine the government. There were reports that

known gay men and lesbians in the armed forces were subjected to severe abuse. There were no known lesbian, gay, bisexual, or transgender organizations in the country.

Other Societal Violence or Discrimination

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

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides workers with the legal right to form and join unions to protect their interests; and allows unions to conduct their activities without interference. However, some government policies severely restricted free association or prevented the formation of some unions, including within the civil service, armed forces, police, and other organizations providing 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. The law prohibits antiunion discrimination. While the law provides for the reinstatement of union leaders dismissed for union activity, it does not provide this same protection for other workers. The law also provides for collective bargaining and the right to strike. The law provides for a fine of 1,200 nakfa (\$80) as penalty for antiunion discrimination or acts of interference. According to the International Labor Organization's Committee of Experts on the Application of Conventions and Recommendations, this fine did not constitute an adequate protection. There were no penal provisions specifically covering such violations.

In practice freedom of association and the right to collective bargaining continued to be restricted during the year. The government continued to fail to enforce applicable laws. The government ran all unions, including the Teachers' Union, Women's Union, Youth's Union, and Workers' Union. Membership in these unions was required as a precondition for working in their respective fields. Union leaders were typically government employees, and union activities were generally government sanctioned. While there were no reports that the government either opposed or approved the formation of labor associations during the year, the threat of disappearance for organizing without government permission prevented the formation of independent unions.

The only legal unions are government-controlled and typically acted to prevent workers from organizing. As all unions were subservient to the government, there was no free, independent collective bargaining during the year. The ability of government-backed industries to use national service conscripts as free or cheap sources of labor on nonmilitary projects prevented labor market competition. As all unions were closely aligned with the government, they did not exercise or promote the right to strike.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children. However, the country's mandatory national service program of indefinite duration requires conscripts to perform a wide

variety of both military and nonmilitary activities, including harvesting and work in the service sector. There were also reports that military officials used soldiers in national service to perform free labor for personal tasks such as construction of houses and crop harvesting. Conscription into mandatory, open-ended service begins at the senior year of high school for all students; they are required to spend their senior year at the Sawa military and education camp. Some students enter Sawa as early as the age of 16 or 17 and begin national conscripted labor while still under 18.

With few exceptions the government requires all men and women upon graduation from high school to participate in the national service program until demobilization, which includes military training and civilian work programs. However, the criteria for demobilization were unclear, and many were required to work indefinitely in any location or capacity chosen by the government. Reports indicated citizens were enlisted in the national service for many years at below minimum wage rates with no prospective end date, no promotion or salary increases, and restricted freedom of movement. The government justified its open-ended draft on the basis of Ethiopia's occupation of some Eritrean territory. 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. The government required them to forfeit to the government any money they earned above that salary. Government employees generally were unable to leave their jobs or take new employment. Draft evaders often were used as laborers on government development projects.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip.

c. Prohibition of Child Labor and Minimum Age for Employment

The legal minimum age for employment is 14, although this does not apply to self-employed workers. The minimum age for hazardous work is 18. The law prohibits minors from working in transport industries or working underground, such as in mines and sewers. However, children in apprenticeships may engage in these hazardous work assignments, provided they are supervised by a competent authority. It was unclear at what age a child may become an apprentice.

Labor inspectors from the Ministry of Labor and Human Welfare are responsible for enforcing child labor laws; however, laws were not enforced. Inspections, if conducted at all, were infrequent; and penalties, if imposed, were arbitrary. Although the government had a national plan of action to protect children from exploitation in the workplace, it was not enforced, and the government refused to provide information on what actions it was taking to protect children from exploitation.

The Ministry of Education continued *mahtot*, a national program by which schools designate students from ninth, 10th, and 11th grades to participate in summer work programs. News reports from state-run media indicated that these students engaged in various activities such as environmental conservation, road construction and maintenance, production and maintenance of school furniture, and laying power lines/telephone cables. In addition, the government requires all secondary school students to complete 12th grade at the Sawa military and educational camp.

Children were engaged in child labor, including the worst forms of child labor, many of them in agriculture, domestic service, and automotive repair; however, data on the extent of child labor was

not available. Children in rural areas assisted with farming, fetched firewood and water, and herded livestock. In urban areas children worked in small-scale manufacturing, car and bicycle repair shops, tea and coffee shops, or the transportation of grain and other goods via donkey carts. Some children worked in the streets cleaning cars or selling cigarettes, newspapers, or chewing gum. Begging and prostitution among children in Asmara also occurred. Persons who fled the country reported that police arrested children and forced them into military service and other forms of national service despite their being younger than the minimum working age.

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

d. Acceptable Conditions of Work

The government sets wages for union workers, employees of PFDJ-owned enterprises, and government employees. There is no national minimum wage for the private sector. The standard workweek was 44.5 hours, but forced overtime without fair compensation was often required by employers. There are no prohibitions against excessive overtime. Workers were legally entitled to overtime pay, except for those employed under national service, but this was not enforced. Workers were entitled to one rest day per week; most received one to one-and-one-half days off. There were no known occupational health and safety standards or enforcement mechanisms.

Civil service employees and national service recruits were paid according to a fixed scale, the most common salary being 500 nakfa (\$33) per month. For most professions wages had not increased for more than a decade despite high inflation. Inspection and enforcement were nonexistent or varied widely among work places. In practice some workers removed themselves from dangerous work sites without retaliation.

Abuses pertaining to wage, overtime, or safety and health standards were common in all sectors. During the year there was discrimination against foreign or migrant workers, especially Ethiopians, who could not receive food coupons and were periodically arrested without cause and not released until they paid a fine.