

Eritrea (93)

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ERITREA

Eritrea became an independent state in 1993, following an internationally monitored referendum in which citizens voted overwhelmingly for independence from Ethiopia. The Eritrean People's Liberation Front (EPLF), which led the 30-year war for independence, has controlled the country since it defeated Ethiopian armed forces in 1991; its leader, Isaias Afwerki, serves as the President. The EPLF became the People's Front for Democracy and Justice (PFDJ), and redefined itself as a political party in 1994; it is the sole political party. The Government continues to delay its stated program to hold elections: elections originally scheduled for 1998 were postponed indefinitely due to the outbreak of an armed border conflict with Ethiopia that began in May 1998. The Constitution provides for democratic freedoms; however, while it entered into force in May 1998, its provisions have not been implemented fully yet. The judiciary is formally independent, but it is weak and subject to executive interference.

The police are responsible for maintaining internal security, although the Government may call on the 200,000 member armed forces, the reserves, and demobilized soldiers in response to both domestic and external security requirements. In May 1998, fighting broke out between Eritrean armed forces and Ethiopian militia along the border. Eritrea responded to an escalating military conflict by calling up reserves and increasing its armed forces to approximately 200,000 soldiers. In addition to the border conflict, the army has been forced to deal with the Eritrean Islamic Salvation (EIS), a small, Sudan-based insurgent group that has mounted terrorist attacks in the north and west since 1993. Some members of the security forces committed human rights abuses.

The border conflict with Ethiopia has interfered with Eritrea's transition from a deteriorating centrally planned economy to a market-based economy through the privatization of formerly state-owned enterprises and the liberalization of investment and trade. The local currency was devalued by 34 percent, economic growth virtually ceased, and private foreign investment was halted. The termination of trade relations with Ethiopia, the country's largest trade partner prior to the conflict, has created serious disruptions in export markets. The integration of more than 67,000 ethnic Eritrean deportees from Ethiopia and the large number of internally displaced persons have strained resources, and there is a shortage of skilled labor in many areas as a result of increased military conscription. While trade, services, and manufacturing provide the greatest portion of gross domestic product, the rural economy is based largely on subsistence agriculture, with more than 70 percent of the population of 3.6 million involved in farming and herding. The small industrial sector consists mainly of light industries, many using outmoded technologies. International economic assistance has accounted for a significant portion of external revenues, with loans replacing grants. Citizens who live abroad also provide a significant source of external revenues. The country is extremely poor, with an annual per capita income of less than \$238.

The Government's human rights record was poor, and serious problems remain; however, there were improvements in some areas. Citizens did not have the ability to change their Government, which is dominated by the PFDJ. Although a constituent assembly ratified a new Constitution, the Government has not yet fulfilled its stated program for a transition to democracy. Security forces laid thousands of landmines; landmines resulted in the deaths of a number of persons. There were reports that police at times treated ethnic Ethiopians roughly. The Government generally does not permit prison visits by local or international human rights groups, although the Government permitted some independent monitoring of conditions in detention facilities after the conflict with Ethiopia began. Arbitrary arrest and detention are problems. An unknown number of persons suspected of association with the Ethiopian Mengistu regime, radical Islamic elements, or terrorist organizations remain in prolonged detention. However, after the outbreak of conflict with Ethiopia, the Government began to grant representatives of the International Committee for the Red Cross (ICRC) broad access to prisoners and detainees, but not to Ethiopian prisoners of war (POW's). The Government's actions were prompted in large measure by Ethiopian allegations of substantial human rights violations against Ethiopians resident in Eritrea. The provision of speedy trials is limited by a lack of trained personnel, inadequate funding, and poor infrastructure, and the use of a special court system limits due process. There were some infringements on the right to privacy. The Government restricts press freedom, including the rights of the religious media, and there are some limits on the freedom of association. The Government restricts religious freedom and freedom of movement. Societal discrimination against women is a problem, and female genital mutilation (FGM) remains widespread despite official government discouragement of the practice. Jehovah's Witnesses face some societal discrimination. The Government supported armed opposition groups whose attacks in Ethiopia resulted in some civilian deaths.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Extrajudicial killing

Ethiopian media alleged that the Government was responsible for the extrajudicial killing of Ethiopians in Eritrea; however, investigation of these allegations by international human rights groups, and local and foreign officials revealed no evidence to substantiate the charges.

There were unconfirmed reports that in November soldiers killed 17 Ethiopian Afar civilians during a cross-border attack.

During the year, the Government provided support to armed groups that had long-opposed the Ethiopian Government and, as a result, there was an increase in armed attacks within Ethiopian territory by these opposition groups operating mostly out of Somalia and Kenya. These attacks took the form of landmine incidents and hit-and-run attacks by guerrillas armed with small arms and grenades. Some civilians and combatants were killed as a result of these attacks and in confrontations between Ethiopian government forces and the guerrillas, although the total number of deaths could not be confirmed.

According to U.N. officials, government forces laid approximately 50,000 to 60,000 landmines in the Badme area during their 8-month occupation of this disputed territory. There were reports that at least 10 Ethiopian civilians were killed by landmines while attempting to return to their farms in the Badme area.

There are an estimated 150,000 to 200,000 landmines in the country, mostly laid by Ethiopia during the 1961-91 war in which Eritrea fought for independence. On occasion, new mines were laid by the EIS. There were reports that at least 18 civilians were killed by landmines during the year; however, this figure is considered to be very low since many such incidents in isolated rural areas are never reported.

In February as part of the border conflict, an Ethiopian plane bombed the Eritrean village of Laili Dada, killing at least five persons and wounding several others.

There were reports that Ethiopian forces shelled the border town of Adi Keyih in April, killing at least eight civilians and wounding dozens of others.

b. Disappearance

There were no reports of politically motivated disappearances. During the border conflict with Ethiopia, Ethiopian media alleged that Ethiopians in Eritrea had disappeared. Investigation of the Ethiopian allegations by international human rights groups, and local and foreign officials revealed no evidence to substantiate the charges.

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

The Ethiopian Penal Code, as modified by the transitional Penal Code of Eritrea, prohibits torture, and, unlike the previous year, there were no reports of torture or serious physical abuse; however, there were credible reports that on occasion police used rough physical treatment when dealing with army deserters and with homeless ethnic Ethiopians sleeping on the streets in Asmara. Ethiopian media alleged that Ethiopians in Eritrea were tortured. Investigation of the Ethiopian allegations by international human rights groups, and local and foreign officials revealed no evidence that the Government had tortured, beaten, or abused Ethiopians.

There were a number of instances in which private individuals threatened and beat Ethiopians. The Government and the police generally took action to prevent such abuse; for example, in Adi Keyih in March, the chief of police was able to halt the beatings of a number of Ethiopians. However, there were credible reports of several incidents in which police allowed citizens to abuse ethnic Ethiopians, intervened too late to prevent abuse, or were unable to control such abuse.

There have been a number of civilians injured as a result of the conflict with Ethiopia. In February Ethiopian planes bombed Laili Dada, injuring several persons. There were reports that on April 15, Ethiopian forces attacked the Eritrean town of Adi Keyih, injuring 10 school children and an elderly man. In May Ethiopian forces bombed the port of Massawa reportedly wounding three persons (see Section 1.a.).

Prison conditions are Spartan. The Government permits three visits per week by family members. There were no confirmed reports that any prisoners died due to lack of proper medical care. Although in previous years, there were occasional reports that authorities beat or abused prisoners, there were no such reports during the year. Juvenile offenders are often incarcerated with adults. There are no juvenile detention centers or correction facilities.

The Government generally does not permit prison visits by local or international human rights groups; however, in 1998 the Government began to permit some independent monitoring of conditions in detention facilities after the conflict with Ethiopia began. The Government continued to deny the ICRC access to Ethiopian POW's.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention is a problem. The Penal Code stipulates that detainees may be held for a maximum of 30 days without being charged with a crime. In practice the authorities sometimes hold persons suspected of crimes for much longer periods. In May 1998, the Government arrested approximately 1,000 Ethiopians suspected of supporting Ethiopia in the border conflict. By year's end, almost all of these individuals had been released and many chose to be repatriated to Ethiopia. Fewer than 20 Ethiopians remained in detention at year's end.

There were reports that many Ethiopians were detained in February and March, apparently to protect them from being beaten by private citizens. In March in Adi Keyih, police held approximately 20 Ethiopians in jail for 3 days. According to the chief of police, they "could not control the townspeople" and were holding the Ethiopians in protective custody.

In 1995 on the second anniversary of independence, the Government pardoned and released 91 detainees who had been held for up to 4 years for collaboration with the Mengistu regime. An unknown number of additional suspected collaborators remain in detention without charge, despite a statement by President Isaias in 1995 that their cases would be considered soon. An unspecified number of persons associated with radical Islamic elements or suspected terrorist organizations also remained in detention without charge. There were unconfirmed reports that the Government arbitrarily holds several Eritrean Liberation Front members. Authorities sometimes arbitrarily arrest and detain former combatants or members of the PFDJ who violate an unwritten code of conduct (see Section 1.e.).

In March representatives of Jehovah's Witnesses reported that three members of Jehovah's Witnesses have been detained without trial or charge for more than 4 years, allegedly for failing to participate in national service (see Section 2.c.).

There were unconfirmed reports that the Government continued to hold approximately 30 Muslims arrested in 1994 after the Government severed relations with Sudan.

The Government generally does not use exile as a means of political control; however, immediately following the outbreak of hostilities with Ethiopia in 1998, the Government expelled approximately 1,000 Ethiopians from Eritrea, many for alleged security concerns. Since that time, several thousand Ethiopians have left Eritrea, although the large

majority chose to leave voluntarily, in many cases because of the negative economic impact of the conflict. Following the renewal of fighting in February, the Government moved approximately 1,500 ethnic Ethiopians and some Eritreans away from the combat zone and temporarily resettled them in a camp in Hawasheit. The Government then deported the ethnic Ethiopian women and children from Eritrea to Ethiopia without notification to the ICRC or the Ethiopian authorities. Approximately 500 ethnic Ethiopian men of military age were sent to a second camp in Forto, and eventually were released in the cities of Agordat, Keren, and Asmara with warnings not to return to the border area.

e. Denial of Fair Public Trial

The judiciary is formally independent but is weak and subject to executive interference. The continued use of an executive special court system allowed ongoing executive interference with the judiciary. In addition, the judicial branch is administered as part of the Ministry of Justice and relies on the Ministry for logistical and salary support, thereby further limiting the judiciary's independence.

The judicial system has three parts: civilian, military, and special courts. The civilian court system consists of village courts, subregional courts, regional courts, and a High Court that serves as an appellate court. The still developing judicial system suffers from a lack of trained personnel, inadequate funding, and poor infrastructure that in practice limits the State's ability to grant accused persons a speedy trial. Although 16 new courthouses were completed in 1998, further development of the judicial infrastructure was constrained due to the conflict with Ethiopia. At independence the Government chose to retain the Ethiopian legal system. Under this Code, simple crimes are brought to village courts and subregional courts. More serious offenses are argued before regional courts, and cases involving murder, rape, and other serious felonies are heard by the High Court. All cases except those argued before the High Court are heard by a single judge: on the High Court, panels of three judges hear cases. Defendants have access to legal counsel, usually at their own expense. Although there is no formal public defender's office, the Government has requested successfully that attorneys work without fee to represent defendants accused of serious crimes punishable by more than 10 years in prison who are unable to afford legal counsel. Defendants may appeal verdicts to the High Court, which is composed of a president and five judges.

Since the population is largely rural, most citizens only have contact with the legal system through the traditional village courts. Village judges, appointed by a panel of government magistrates, provide justice in civil matters. Criminal cases are transferred to magistrates versed in criminal law. Many local issues--for example, property disputes and most petty crimes--are adjudicated by local elders according to custom or, in the case of Muslims, Shari'a law. The traditional courts cannot impose sentences involving physical punishment. The Ministry of Justice also is offering seminars in alternative dispute resolution for handling petty criminal and civil cases.

The drafting of many civilians, including court administrators, defendants, judges, lawyers, and others involved in the legal system, into the National Service due to the border conflict with Ethiopia had a significant negative impact on the judiciary. The High Court was reduced from seven benches to three benches and provincial, zone, and village court personnel were reduced by 40 percent. Most of the 21

University of Asmara law school graduates who were hired by the Ministry of Justice in 1998 were drafted for national service as a result of the border conflict as well. As a result of these personnel constraints, there were lengthy delays in the processing of cases.

In February 1997, in order to reduce the growing backlog in the civilian court system, the Defense Minister created the special court system. Judges in the special courts are senior military officers, most of whom have little or no legal experience. The special courts have jurisdiction over criminal cases, including capital offenses, felonies, misdemeanors, cases of tax evasion involving large sums and cases of embezzlement by senior officials. The special courts may also retry civilian court cases, including those decided by the High Court. In 1997 the press reported that 2,431 civilians had been tried by these special courts. Approximately half were fined and imprisoned, while 360 were found not guilty. There was no information available on the remaining 850 civilians. In the special courts there are no defense lawyers and no right of appeal. The continued handling of civilian cases by these special courts raised problems of due process because of the absence of defense counsel and denial of the right to appeal. In past years, the denial of due process has been a problem on occasion for critics of the Government (see Section 2.a.).

Crimes involving corruption, theft, and misuse of government authority allegedly committed by former members of the EPLF during the war for independence are handled by the special courts. Senior former fighters often are held to a stringent unwritten code of conduct, and violations of this code are handled by special courts outside the normal judicial process. Former fighters accused of violating this circle of trust have been arrested and held without formal charge.

There were no reports of political prisoners.

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

Under the law, warrants are required in routine searches and seizures, except in cases where authorities believe individuals may attempt to escape or destroy evidence. Warrants also are required before the Government can monitor mail, telephones, or other means of private communication. There is no evidence that the Government monitored private mail service, but there is evidence that the Government monitored some international telephone calls. In July the Government began the process of implementing Internet access through its telecommunications system. The Government has the authority to ban the import of any foreign publication; however, it has not yet done so (see Section 2.a.).

There were numerous reports that on April 16, officials of the Capital Area Administrative Zone and the police rounded up hundreds of evening secondary school students during the mid-term exam period to examine their identification documents to determine eligibility for military service. While many students were released by the following morning because they were too young for military service, were not Eritrean, or were able to demonstrate that their financial support of other family members was critical, approximately 350 students were sent directly to military training.

There were reports that a small number of Ethiopians were expelled from their homes in Eritrea near the Ethiopian border. There were also

reports that police harassed or intimidated some Ethiopians. A significant but unknown number of Ethiopians were fired or lost their jobs due to their nationality. However, in some cases, this was due to the fact that Ethiopians were working for Ethiopian businessmen who left the country or who found that their enterprises were no longer viable because they had lost their Eritrean clients. An estimated 1,000 Ethiopians in the Asmara region, who no longer can pay rent, are homeless and destitute.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, in practice, the Government restricts these rights, although it did so to a lesser extent than in the previous year. In late October, the Government arrested an editor who refused to disclose the address of a reader whose "letter to the editor" criticized the commercial practices associated with Saudi Airlines operations in the country. The editor was arraigned, charged with slander, and released pending a trial scheduled for February 2000. He was rearrested briefly in late November for additional questioning. While the Government has tolerated increased public debate over government decisions since the outbreak of the conflict with Ethiopia, the media continued to practice self-censorship.

The Government controls almost all media, including three newspapers, one radio station, one television station, and the only newspaper printing press. There are no private radio or television stations; however, the independent print media flourished during the year. The Government has the authority to ban the import of any foreign publication, although it has not yet done so. The press proclamation issued in 1996 forbids the local reprinting of articles from banned publications. The Government continued to restrict the right of the religious media to comment on politics or government policies. In theory nonreligious print media are free to criticize the Government. Nonetheless, criticism tends to be limited and fairly mild, and the media practices self-censorship.

The Government's press proclamation allows individuals to publish newspapers, and private newspapers and magazines began publishing at the end of 1997. There were 11 independent newspapers and magazines operating at year's end and 1 of these, Setit, had the largest circulation. The success of Setit marked a step towards the development of a free press. However, the press proclamation does not allow private ownership of any broadcast media or foreign ownership of any media. The Proclamation requires that all newspapers obtain a license from the Ministry of Information before publication and that all reporters register with the Ministry. The Government also may punish "whosoever insults, abuses, defames, or slanders the Government or one of the constituted legislative, executive, or judicial authorities," and forbids the publication of any matter that contravenes general morality. In November independent journalists were informed that copy submitted for printing would be required to have the signature of several Ministry of Information censors. In response to threats to publicize this information, the Ministry of Information stated that, henceforth, all independent weeklies would be advised if content was objectionable and would be warned when a piece ought not be published, but that they would be free to print despite those cautions. There were no reports of arrests or prosecutions under this authority; however, this authority has hindered the development of print or broadcast media critical of the

Government.

There were no restrictions on academic freedom. In April police reportedly rounded up hundreds of evening secondary school students for military service while they were taking exams (see Section 1.f.).

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly, and the Government respected this right in practice. The Government requires a permit from the Ministry of Local Government for a public meeting or demonstration. In general, permits are granted freely for nonpolitical meetings or gatherings, and there were no reports that permits for political demonstrations were denied.

The Constitution provides for freedom of association and states that every citizen shall have the right to form organizations for political, social, economic, and cultural ends; however, the PFDJ has stated its opposition to the formation of any religiously or ethnically based parties on the grounds that such parties could exacerbate ethnic and religious differences.

c. Freedom of Religion

The Constitution provides for freedom of religion; however, the Government restricts this right in practice. The Constitution provides for the "freedom to practice any religion and to manifest such practice" and Islam and Christianity are practiced and tolerated widely throughout the country with persons free to worship at the church or mosque of their choice. However, the Government continued to harass, arrest, detain, and discriminate against members of the small community of Jehovah's Witnesses.

Members of Jehovah's Witnesses have refused universally on religious grounds to participate in national service or vote in a referendum. This spurred widespread criticism that members of Jehovah's Witnesses collectively were shirking their civic duty. Some Muslims have also objected to universal national service with regard to the requirement that women perform military duty. The Government does not excuse individuals who object to national service for religious reasons, nor does the Government allow alternative service. Although other individuals reportedly have been punished for failure to participate, only members of Jehovah's Witnesses have been subject to dismissal from the civil service, had their trading licenses revoked, and been denied passports due to their refusal to participate in national service. In addition to these measures, members of Jehovah's Witnesses also are denied identification cards, exit visas, trading licenses, and government housing universally, unless they fulfill their civic obligations, some of which are prohibited by their religious beliefs. In 1998 several members of Jehovah's Witnesses were arrested for failure to comply with the National Service Law and some were tried, although there is no information available regarding the verdicts or sentences in these cases. In March representatives of Jehovah's Witnesses reported that three members of Jehovah's Witnesses have been detained without trial or charge for more than 4 years, allegedly for failing to participate in national service. The maximum penalty for refusing to perform national service is only 3 years' imprisonment. Ministry of Justice officials deny that any members of Jehovah's Witnesses were held without charge, although they acknowledge that some members of Jehovah's Witnesses, and a number of Muslims, are in jail serving sentences for convictions

on charges of evading national service.

The Government has banned religious organizations from involvement in politics and restricts the right of the religious media to comment on politics or government policies (see Section 2.a.).

The Government discouraged proselytizing by members of one faith among adherents of another, and also discouraged foreign religious groups and nongovernmental organizations (NGO's) from proselytizing, as it believes that this could create unnecessary friction in the delicate balance between the Muslim and Christian populations. In a 1995 proclamation, it described specific guidelines on the role of religion and religion-affiliated NGO's in development and government, stating that development, politics, and public administration are the sole responsibility of the Government and citizens. Pursuant to the 1995 proclamation, religious organizations are permitted to fund, but not initiate or implement, development projects; however, this proclamation was not enforced in practice--several religious organizations executed small-scale development projects without government interference. The 1995 proclamation also sets out rules governing relations between religious organizations and foreign sponsors.

Authorities informed all religious organizations in April 1998 that religiously funded schools providing general education would be incorporated into the public school system. At the time, it was not made clear whether the clerical authorities would continue to administer the curriculum with government oversight or whether the school faculty would be absorbed into the Ministry of Education. However, no action was taken to implement this initiative because of the outbreak of the border conflict with Ethiopia. In January 1998, the Government decreed that religiously affiliated organizations were prohibited from running kindergartens; however, this decree has not been implemented yet.

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

The Constitution provides for the rights of movement and emigration. In general citizens may live where they choose and travel freely throughout the country. However, some areas are restricted for security reasons. The border with Ethiopia was closed in May 1998, due to the outbreak of conflict, although Eritreans deported from Ethiopia crossed the border and were allowed to resettle in Eritrea. More than 67,000 ethnic Eritreans have been deported from Ethiopia. The deportees were provided with a \$200 (1500 nakfa) grant from the Eritrean Relief and Refugee Commission, and, if they wished, were placed in villages with friends or family. Those who no longer had connections in Eritrea were placed temporarily in camps with other deportees and internally displaced persons before being settled in the general population. In order to facilitate the deportees' integration into society, the Government has provided deportees with documentation of Eritrean citizenry. Some of the deportees that have assumed Eritrean citizenry were ordered to report for military service. The Government significantly improved the process for the granting of exit visas to Ethiopians who wish to leave Eritrea.

Clashes between government forces and EIS members in 1997 led the Government to restrict travel along much of the border with Sudan. Some areas remain heavily mined, a legacy of the war for independence, and occasionally new mines are set by the EIS, leading to additional travel restrictions (see Section 1.a.).

Citizens largely are free to travel outside the country, although members of Jehovah's Witnesses (see Section 2.c.), officials of the former Ethiopian military regime, and those who have not completed national service have been denied passports or exit visas. In addition, as a result of the conflict with Ethiopia, the Government increasingly denied exit visas to some young men and women, apparently on the ground that they were approaching the age of eligibility for national service. In general citizens have the right to return. Instances in which citizens living abroad have run afoul of the law, have contracted a serious contagious disease, or have been declared ineligible for political asylum by other governments are considered on a case-by-case basis.

Approximately 250,000 Eritreans have been displaced internally as a result of the conflict with Ethiopia. Many internally displaced persons have been settled temporarily in camps that also shelter deportees from Ethiopia. According to the ICRC, the conditions in the camps are Spartan but generally adequate.

Following the renewal of fighting in February, the Government moved approximately 1,500 ethnic Ethiopians and some Eritreans away from the combat zone to a camp in Hawasheit. The Government then deported the ethnic Ethiopian women and children from Eritrea to Ethiopia, but released the men with warnings not to return to the border areas (see Section 1.d.).

The law includes provisions for the granting of refugee or asylee status in accordance with the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol. The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organizations in assisting refugees. The Government provides first asylum and provided it to Sudanese refugees from the conflict in Sudan during the year. There were also approximately 2,200 Somali refugees in the country. The Eritrean Relief and Refugee Commission, a government agency, is the principal organization for refugee issues.

A pilot refugee return program sponsored by the UNHCR resulted in the repatriation of 25,000 Eritrean refugees from Sudan in 1995. However, the estimated 136,000 Eritrean refugees remaining in Sudan were not repatriated under the program because of the failure of the governments of Eritrea and Sudan to conclude an agreement on the modalities of such a repatriation. In December the Government and the UNHCR reached agreement on a repatriation program scheduled to begin in the year 2000 for the remaining Eritrean refugees in Sudan.

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

Although the Constitution provides for this right, citizens have not yet been able to change their government in multiparty elections. Credible reports suggest that authority within the Government is held very narrowly. The Government is dominated by the PFDJ, which came to power in the 1993 popular referendum in which over 98 percent of voters chose an independent Eritrea managed by a transitional government run by the PFDJ rather than electing to remain part of Ethiopia. The PFDJ still has not fulfilled the ambitious program that it initially outlined for a transition to a democratically elected government in 1997. Elections originally scheduled for 1997 were postponed until 1998. An electoral commission was established in 1997 to draft an

electoral code for 1998 elections, but accomplished little because of the outbreak of the border conflict with Ethiopia, and elections again were postponed, this time indefinitely. There are no opposition parties. The government leadership stated that public education and institutional structures were needed before multiparty democracy would be established.

Women are underrepresented in government and politics. In an effort to encourage broader participation by women in politics, the PFDJ named 3 women to the party's Executive Council and 12 women to the Central Committee in 1997. Women participated in the Constitutional Commission (filling almost half of the positions on the 50-person Committee) and hold senior government positions, including the positions of Minister of Justice, and Minister of Labor.

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

The Ministry of Foreign Affairs and the Ministry of Local Government jointly are responsible for handling human rights inquiries. All NGO's also must register with the Eritrean Relief and Refugee Commission. There are no domestic or international human rights organizations. In 1997 the Government proclaimed a policy restricting NGO activities to supporting the Government in the sectors of health and education. One human rights group, Citizens for Peace, was formed during 1998 to investigate and publicize Ethiopia's deportation of Eritreans. Journalists from the country's 11 independent newspapers met late in the year and formed an organizing committee to establish an independent journalists' organization. In October they filed for a license with the Ministry of Local Government, but had not received it by year's end.

In 1995 the Government proclaimed that religious organizations, including religious-based NGO's, could not engage in development activities; however, this proclamation has not been enforced in practice (see Section 2.c.). In addition, in the latter part of the year, the four main religious groups (Orthodox, Catholic, Muslim, and Protestant) created a committee to coordinate the provision of relief services to ethnic Eritrean deportees from Ethiopia in conjunction with the Eritrean Refugee and Relief Organization. A 1998 decree prohibiting religiously affiliated organizations from running kindergartens has not been implemented yet (see Section 2.c.). In May 1998, the Government announced that all religiously funded schools providing a general education were to be incorporated into the state system, although no schools had been incorporated into the state system by year's end (see Section 2.c.).

A governmental proclamation issued in 1996 required that all private NGO's hire only those who have completed their national service; however, this proclamation was not enforced in practice. This proclamation was part of the Government's effort to provide benefits to citizens who have served in the military.

In January 1998, the Government ordered remaining NGO's to close down their programs, allegedly because they wasted too much money on administrative costs. Most NGO's left by mid-year, although several remained at year's end including Dutch Interchurch Aid, Lutheran World Federation, and Africare. However, several NGO's returned during the year when the Government sought to encourage greater NGO participation in development and humanitarian aid. Oxfam and Save the Children/UK established offices in the country during the year.

In July 1998, the ICRC opened an office in the country. The ICRC was granted full access to assist those Ethiopians who wished to depart Eritrea and coordinated with its counterpart office in Addis Ababa to supervise cross-border exchanges. The ICRC expanded its programs during the year and provided shelter and supplemental food to approximately 250,000 persons displaced by the conflict with Ethiopia. The ICRC also was permitted access to the few Ethiopians who remained in detention. However, the ICRC was not permitted to visit Ethiopian POW's (see Section 1.c.). Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution and the transitional Civil Code prohibit discrimination against women, children, and the disabled, and the Government generally enforces these provisions.

Women

The Government has taken a firm public stance against domestic violence. Health, police, and judicial authorities report that no serious domestic violence problem exists.

The Government consistently advocated improving the status of women, many of whom played a significant role as fighters in the struggle for independence. Since independence women have enjoyed a legal right to equal educational opportunities, equal pay for equal work, and legal sanctions against domestic violence. In 1994 the Third Party Congress advocated more rights for women, including parity in the right to land and other property. However, much of society remains traditional and patriarchal, and most women have an inferior status to men in their homes and communities. The law provides a framework for improving the status of women, but laws are implemented unevenly, because of a lack of capacity in the legal system and ingrained cultural attitudes. In practice, males retain privileged access to education, employment, and control of economic resources, with more disparities in rural areas than in cities.

The law requires that women between the ages of 18 and 40 participate in the national service program, and during the year women were engaged in fighting in the conflict with Ethiopia. During the year, the Government began removing women from direct combat and assigning them other responsibilities, including training and heavy equipment operations.

Children

The Ministry of Labor and Human Welfare is responsible for government policies concerning the rights and welfare of children. In 1996 the Government created the Children's Affairs Division under the Ministry of Labor and Human Welfare. The Children's Affairs Division covers childcare, counseling, and probation. Education through grade 7 is compulsory and free; however, while the situation improved, there is a shortage of schools and teachers, and only about 60 percent of primary-school-aged children attend school. School attendance above grade 7, which is neither free nor compulsory, is 53 percent. Approximately 75 percent of the population are illiterate.

A small number of children under the age of 18 entered military service, usually as the result of the absence of a proper birth certificate or other

identification. When soldiers were found to be under the age of 18, they were removed from service.

Female genital mutilation, which is widely condemned by international health experts as damaging to both physical and psychological health, is widespread, with estimates placing the number of women and girls who have been subjected to FGM at 95 percent. FGM is practiced by almost all ethnic and religious groups. There is no law prohibiting FGM. The Government, through education programs sponsored by the Ministry of Health and the National Union of Eritrean Women, a government organization, discourages this practice.

People With Disabilities

The long war for independence left thousands of men and women physically disabled from injuries they received as guerrillas and as civilian victims. The Government spends a large share of its resources to support and train these war disabled citizens, who are regarded as heroes, and does not discriminate against them in training, education, or employment. There are no laws mandating access for the disabled to public thoroughfares or public or private buildings; however, many newly constructed buildings provide access for disabled persons.

Religious Minorities

Members of Jehovah's Witnesses generally are disliked and face some societal discrimination because of their refusal to participate in the independence referendum in 1993 and to perform national service, a refusal that is seen widely as unpatriotic.

Section 6 Worker Rights

a. The Right of Association

There are no government restrictions regarding the formation of unions, including within the military, the police, and other essential services. Labor association is encouraged by the Government, which promulgated Proclamation 8 in 1991 providing workers with the legal right to form unions and to strike to protect their interests. The National Confederation of Eritrean Workers (NCEW), which was part of the EPLF during the war, is independent of both the Government and the PFDJ. It represents over 23,000 workers from 129 unions and receives some assistance from the ILO and foreign union organizations. The largest union is the Textile, Leather, and Shoe Federation. There were no strikes reported during the year.

During the year, the Government ratified seven basic ILO conventions on forced labor, freedom of association, the right to organize and bargain collectively, equal remuneration, abolition of forced labor, non-discrimination in employment, and minimum age for employment.

Unions may affiliate internationally, and all five workers' federations within the NCEW affiliated with international unions during the year.

b. The Right to Organize and Bargain Collectively

The International Labor Organization (ILO) provided assistance in 1993 to prepare the draft labor code, which prohibits antiunion discrimination by employers and establishes a mechanism for resolving complaints of

discrimination. Wages are determined by the market.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The Constitution prohibits forced or compulsory labor, including that performed by children, and it is not known to occur. All citizens between the ages of 18 and 40 are required to participate in the National Service Program, which includes military training as well as civic action programs. High school students also are required to participate in a summer work program, for which they are paid.

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

The legal minimum age for employment is 18 years, although apprentices may be hired at age 14. Labor inspectors in the Ministry of Labor and Human Welfare are responsible for the enforcement of laws pertaining to the employment of children. According to labor officials, 50 percent of children are not able to attend school due to a shortage of schools and teachers. It is common for rural children who do not attend classes to work on their family farms, and in urban areas, some children are street vendors of cigarettes, newspapers, or chewing gum. The Constitution prohibits forced or bonded labor, including that performed by children, and there were no reports that it occurred (see section 6.c.). There were reports that the Government inadvertently employed children under the age of 18 as soldiers (see Section 5).

e. Acceptable Conditions of Work

There are two systems regulating 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 vary from \$34 to \$400 (320 to 3,800 nakfa) per month, with factory workers in government-owned enterprises earning the highest wages. The minimum wage does not provide the average worker and family with a decent standard of living.

The standard workweek is 44 1/2 hours, but many persons work fewer hours. Under the Labor Law, workers are entitled to 1 day of rest per week, and most workers are allowed 1 to 1 1/2 days off per week. The Government has instituted occupational health and safety standards, but inspection and enforcement vary widely among factories. Workers are permitted to remove themselves from dangerous work sites without retaliation.

Trafficking in Persons

The law does not prohibit trafficking in persons; however, there were no reports that persons were trafficked in, to, or from the country.

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