

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	299
Land:	Eritrea
Kilde:	US Department of State
Titel:	Country Report on Human Rights Practices 2017 – Eritrea
Udgivet:	20. april 2018
Optaget på baggrundsmaterialet:	28. maj 2018

ERITREA 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Eritrea is a highly centralized, authoritarian regime under the control of President Isaias Afwerki. The People's Front for Democracy and Justice (PFDJ), headed by the president, is the sole political party. There have been no national-level elections since the country's independence from Ethiopia in 1993.

Civilian authorities in the regime generally maintained effective control over most security forces.

The most significant human rights issues included arbitrary deprivation of life; disappearances; torture and other cruel, inhuman, and degrading treatment by security forces, including for political and religious beliefs; harsh prison and detention center conditions; arbitrary arrest; denial of fair public trial; arbitrary or unlawful interference with privacy, family, or home; restrictions on freedoms of speech and press; restrictions on internet freedom, academic freedom, and cultural events; restrictions on freedom of peaceful assembly, association, and religion; limits on freedom of internal movement and foreign travel; inability of citizens to choose their government in free and fair elections; corruption and lack of transparency; restrictions on international nongovernmental organizations; violence against women and girls, including in military camp settings and national service positions; human trafficking; criminalization of same-sex sexual conduct; and forced labor, including forced participation in the country's national service program, routinely for periods beyond the 18-month legal obligation.

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

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

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

International nongovernmental organizations (NGOs) reported that the government committed arbitrary killings with impunity and subjected detainees to harsh and life-threatening prison conditions.

The UN special rapporteur on the situation of human rights in Eritrea presented her fourth report at the Human Rights Council on June 14. The report did not refer to arbitrary killings; however, a 2015 UN Commission of Inquiry (COI) report, which covered from 1991 through 2015, found that authorities had widely committed extrajudicial executions and arbitrary killings since independence. Despite requests to the government, the COI was denied access to visit the country. In June the special rapporteur reported that her requests to visit had also been denied. The COI's findings--based on interviews conducted outside of the country--included extrajudicial killings, before the border war with Ethiopia, of veterans with disabilities and political opponents, including Muslim scholars and others; extrajudicial executions of political opponents, smugglers, and others for less serious or "speculative" crimes; mass killings of members of certain ethnic groups; and systematic execution by the armed forces of soldiers accused of cowardice or desertion during the border war.

The COI found the government, largely the armed forces and particularly the border surveillance division, had a shoot-to-kill policy to prevent its citizens from crossing the border into Ethiopia. According to the COI, this policy had been in effect for a "considerable period of time." The COI's June 2016 report stated it had "reliable evidence" that the policy still existed but was "not implemented as rigorously as it was in the past." Doctors without Borders reported during the year it was common for Eritreans crossing the border to Ethiopia to be shot at or to witness others being targeted.

b. Disappearance

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

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

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

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

According to NGO and UN reports, security forces tortured and beat army deserters, national service evaders, persons attempting to flee the country without travel documents, and members of certain religious groups.

According to the COI's June 2016 report, the government continued to engage in the widespread use of torture. The COI's 2015 report found that officials used mistreatment such as extreme forms of restraint, rape, or beatings to cause severe physical and psychological pain during interrogations and to punish detainees and conscripts, and this mistreatment constituted torture. The COI found officials had either directly ordered torture or that it was inflicted with their consent and acquiescence. According to the COI, "The recurrence, coherence, and similarities of the many torture incidents... is a clear indication of the existence of a deliberate policy to inflict torture in a routine manner in the context of investigations and interrogations as well as during national service." Authorities refused permission to the COI to visit the country. The COI received approximately 300 accounts of torture and mistreatment occurring between 1991 and 2015.

Lack of transparency and access to information made it impossible to determine the numbers or circumstances of deaths due to torture or poor detention conditions.

In 2015 the COI reported sexual violence against women and girls was widespread in military training camps, that the sexual violence by military personnel in camps and the army amounted to torture, and the forced domestic service of women and girls in training camps amounted to sexual slavery. In a 2015 report, the Committee on the Elimination of Discrimination against Women (CEDAW) expressed concern regarding reports of women in national service frequently subjected to sexual violence, including rape.

Prison and Detention Center Conditions

Detention conditions reportedly remained harsh, leading to serious health damage and in some instances death.

Physical Conditions: There were numerous official and unofficial detention centers, some located in military camps. The Ministry of Justice oversees prisons run by the police, and the Ministry of Defense oversees those run by the military. The law requires juveniles be held separately from adults. There is a juvenile detention center in Asmara, but authorities held some juveniles, particularly teenagers, with adults, due to overcrowding in that center. When police arrested mothers, their young children sometimes were held with them. Severe overcrowding was common.

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

Tsehay Tesfamariam, a member of Jehovah's Witnesses, reportedly died in November 2016 after his release from Me'eter camp in 2015 due to illness and lack of adequate medical care during detention. He had been detained since 2009.

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

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

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

Administration: It was impossible to verify whether authorities released prisoners after they served their sentences. Recordkeeping procedures were not transparent, and the government did not routinely announce the release of prisoners. There were no prison ombudsmen to respond to complaints.

Prisoners and detainees did not have consistent access to visitors. The government did not inform foreign embassies when their respective citizens were arrested, nor did it grant consular access to detained dual-national citizens. Authorities generally did not permit family visits with persons detained, arrested, or convicted for reasons purportedly involving national security, but it permitted visits with those held for other reasons. Authorities did not permit religious observance for some prisoners and detainees, although at least one detention center had a facility where authorities permitted inmates to conduct religious observances. International religious organizations claimed authorities interrogated detainees regarding their religious affiliation and asked them to identify members of unauthorized religious groups. Prisoners and detainees could not submit complaints to judicial authorities, and authorities did not adequately investigate or monitor prison or detention center conditions.

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

The June 2016 COI report noted that international observers and representatives of the Office of the UN High Commissioner for Human Rights were last able to visit the Sembel Prison and Rehabilitation Center in February 2016. Their report stated, however, the visit was short and did not allow for a full assessment.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

Police are responsible for maintaining internal security, and the armed forces are responsible for external security, but the government sometimes used the armed forces, the reserves, demobilized soldiers, or the civilian militia to meet domestic as well as external security requirements. Agents of the National Security Office, which reports to the Office of the President, are responsible for detaining persons suspected of threatening national security. The armed forces have authority to

arrest and detain civilians. Police generally do not have a role in cases involving national security.

Impunity for abuse was the norm. There were no known internal or external mechanisms to investigate security force abuse or government actions to reform the security forces.

Arrest Procedures and Treatment of Detainees

The law stipulates that, unless there is a crime in progress, police must conduct an investigation and obtain a warrant prior to making an arrest, but this seldom occurred. In cases involving national security, police may waive the process. Detainees must be brought before a judge within 48 hours of arrest and may not be held more than 28 days without being charged with a crime. Authorities generally detained suspects for longer periods without bringing them before a judge, charging them with a crime, or telling them the reason for detention. Authorities sometimes arbitrarily changed charges during detention. The government promoted the assumption that they detained persons held without charge due to national security concerns.

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

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

Arbitrary Arrest: Arbitrary arrest occurred frequently. Security force personnel detained individuals for reasons that included suspicion of intent to evade national and militia service, criticizing the government, attempting to leave the country, and unspecified national security threats. Authorities also continued to arrest members of unregistered Christian groups, primarily for their refusal to perform national service.

Authorities sometimes arrested persons whose papers were not in order and detained them until they were able to provide evidence of their militia status or demobilization from national service. The government contacted places of

employment and used informers to attempt to identify those unwilling to participate in the militia.

There were occasional reports, particularly from rural areas, that security forces detained and interrogated the parents, spouses, or siblings of individuals who evaded national service or fled the country.

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

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

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

e. Denial of Fair Public Trial

The law and unimplemented constitution provide for an independent judiciary, but executive control of the judiciary continued, and the judiciary was neither independent nor impartial. Judicial corruption remained a problem. There are special courts charged with handling corruption cases, but there was no clarity on their structure or implementation. The Office of the President served as a clearinghouse for citizens' petitions to some courts. It also acted as an arbitrator or a facilitator in civil matters for some courts. The judiciary suffered from lack of trained personnel, inadequate funding, and poor infrastructure.

Trial Procedures

The unimplemented constitution provides for the right to a fair, timely, and public trial, with an exception that allows the court to exclude the press and public for reasons relating to morals or national security. In practice, however, the right to such a trial was generally not respected.

The unimplemented constitution provides for the presumption of innocence and for defendants to be informed promptly and in detail of charges in a language they

understand. The law does not specifically address the provision of adequate time or facilities to prepare one's defense, the right of defendants to confront witnesses, or the provision of free interpretation from the moment charged through all appeals, although courts generally accorded these rights to defendants in cases courts did not deem related to national security. There is no right for defendants to refuse to testify. Defendants have the right to be present and to consult with attorneys or to present their own evidence if they do not wish an attorney. Prosecution and defense lawyers are court appointed and have the right to present evidence and witnesses. Defendants who are unable to pay for an attorney are not provided one at public expense.

Courts of first instance are at the regional level. Each party to a case has the right to one appeal. Decisions rendered by any regional court may be appealed to the next appellate court. Should the appellate court reverse a decision of the lower court, the party whose petition was not sustained may appeal to the five-judge upper appellate court. If the lower appellate court upholds the decision of a regional court, there is no second appeal.

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

Community courts headed by elected officials were widely used in rural areas and generally followed traditional and customary law rather than formal law. There are approximately 320 community courts. Local administrators in rural areas encouraged citizens to reconcile outside the court system for less serious cases. Trials in community courts were open to the public and heard by a panel of judges. Judges are elected by the community.

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

Political Prisoners and Detainees

The government continued to hold an unknown number of detainees without charge or trial, including politicians, journalists, members of registered and

unregistered religious groups, and persons suspected of not completing national service or evading militia practice (see also section 1.b., Disappearance). Like other prisoners, the government did not permit any access to political detainees.

Civil Judicial Procedures and Remedies

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

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

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

Many citizens believed the government monitored cell phones in particular since authorities required permits to use subscriber identity module (SIM) cards. To obtain a SIM card, citizens must present proof of completion of or exemption from national service, a PFDJ membership card, and a letter of recommendation from their regional office to the Telecommunications Ministry. Diplomats must provide a residence permit, a house lease agreement, a work permit, a supporting letter from their embassy, two photographs, a diplomatic identification card, and two copies of their passport and visa. Other foreign citizens reported the need for a blood test and x-ray to screen for hepatitis C and tuberculosis. It was not clear whether the presence of those conditions would result in refusal of a SIM card.

The government used an extensive informer system to gather information.

Without notice, authorities reportedly entered homes, threatened family members, and sometimes took fathers away without explanation. Reports, particularly from rural areas, stated that security forces detained and interrogated the parents, spouses, or siblings of individuals who evaded national service or fled the country. Militia groups reportedly checked homes or whole neighborhoods to confirm attendance at national service projects.

Some girls, women, and men married and had children to avoid national service.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

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

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

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

The law requires journalists to be licensed. The law restricts printing and publication of materials. The printing of a publication by anyone lacking a permit and the printing or dissemination of prohibited foreign publications are both punishable under the law. Government approval is required for distribution of publications from religious or international organizations.

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

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

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

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

Internet Freedom

The government monitored some internet communications, including email, without appropriate legal authority. Government informants frequented internet cafes. In order to use an internet cafe, patrons must present proof they had completed national service. The government discouraged citizens from viewing some opposition websites by labeling the sites and their developers as saboteurs. Some citizens expressed fear of arrest if caught viewing such sites. Nonetheless, the sites were generally available.

Eritel, a government-owned corporation, has a monopoly on providing land-based internet service. The use of internet cafes with limited bandwidth in Asmara and other large communities was widespread, but the vast majority of persons did not have access to the internet. According to most recent International Telecommunication Union data, 1.18 percent of the population used the internet in 2016. Internet users who needed larger bandwidth paid prices beyond the reach of most individuals.

Academic Freedom and Cultural Events

The government restricted academic freedom and cultural events.

Authorities monitored activities at private secondary schools and in some cases arbitrarily denied visas to foreign teachers or presented impediments to school administration, including restricting the import of teaching materials. Some parents of students in private schools charged that educational quality suffered because of disputes between government officials and school administrators.

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

The government sometimes denied passports or exit visas to students and faculty who wanted to study or do research abroad. Some persons claimed authorities scrutinized academic travel for consistency of intent with government policies.

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

b. Freedoms of Peaceful Assembly and Association

The government restricted freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

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

Freedom of Association

The unimplemented constitution provides citizens the right to form organizations for political, social, economic, and cultural ends. It specifies that their conduct must be open and transparent and that they must be guided by principles of national unity and democracy. The government did not respect freedom of association. It did not allow any political parties other than the PFDJ. It also prohibited the formation of civil society organizations except those with official sponsorship. The government generally did not allow local organizations to receive funding and other resources from or to associate with foreign and international organizations.

c. Freedom of Religion

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

d. Freedom of Movement

The law and unimplemented constitution provide for freedom of internal movement, foreign travel, emigration, and repatriation, but the government restricted all these rights. It often denied citizens passports and exit visas because they had not completed their military duties or arbitrarily for no given reason. The government restricted travel of children with foreign passports whom it considered Eritrean nationals.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) to provide protection and assistance in some areas, but it restricted UNHCR activities in others. The government defined refugee status differently than do the 1951 Convention and its 1967 Protocol relating to the Status of Refugees. It did not recognize Ethiopians or Sudanese as refugees, although it allowed them to remain in the country and granted them residency permits. It routinely provided protection to Somali refugees but continued to deny exit permits to Somalis in the Umkulu Refugee Camp who had been identified for resettlement in third countries or who sought repatriation.

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

Travel restrictions on noncitizens lawfully in the country remained in effect. The government required all diplomats, international humanitarian workers, UN staff, and foreigners to request permission from the government at least 10 days in advance to travel more than 15.5 miles outside of Asmara. Authorities gave UNHCR staff a monthly permit to visit Umkulu Refugee Camp and permitted diplomats to visit the site in May.

Foreign Travel: The government restricted foreign travel. The government required citizens, sometimes including dual nationals, to obtain exit visas. The government restricted travel of children with foreign passports whom it considered Eritrean nationals. Requirements for obtaining passports and exit visas were inconsistent and nontransparent. The government often denied citizens passports and exit visas because they had not completed their military duties or arbitrarily for no given reason. Authorities generally did not give exit visas to children over the age of five. Authorities granted few adolescents exit permits; many parents avoided seeking exit permits for children approaching national service draft age due to concern authorities might also deny the parents permission to travel.

Categories of persons most commonly denied exit visas included men under age 54, regardless of whether they had completed the military portion of national service, and women younger than 30, unless they had children. The government did not generally grant exit permits to members of the citizen militia, although some whom authorities demobilized from national service or who had permission from their zone commanders were able to obtain them.

In 2015 the COI reported the government, largely the armed forces and particularly the border surveillance division, had implemented a shoot-to-kill policy for a “considerable period of time.” In its June 2016 report, the COI stated it had “reliable evidence” the policy still existed but was “not implemented as rigorously as in the past.” Despite requests to the government, the COI was denied access to visit the country. Doctors without Borders reported during the year it was common for Eritreans crossing the border into Ethiopia to be shot at or to witness others being fired upon.

Exile: There were reports of citizens who left the country without exit visas being denied re-entry. Many other citizens who fled the country remained in self-imposed exile due to their religious and political views and fear they would be conscripted into national service if they returned. Others reported there were no consequences for returning citizens who had residency or citizenship in other countries.

In general citizens had the right to return, but citizens residing abroad had to show proof they paid the 2 percent tax on foreign earned income to be eligible for some government services and documents, including exit permits, birth or marriage certificates, passport renewals, and real estate transactions. The government enforced this requirement inconsistently. Persons known to have broken laws abroad, contracted serious contagious diseases, or been declared ineligible for political asylum by other governments had their entry visas and visa requests considered with greater scrutiny.

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

Protection of Refugees

Access to Asylum: The law does not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to new refugees. The government has an Office of Refugee Affairs that works with UNHCR. Most refugees in the country were Somali. The government did not grant Ethiopians or Sudanese asylum, although it allowed them to remain in the country. The government required Ethiopians to pay an annual fee of 600 nakfa (\$39) for a residency card. The card demonstrated the holder was not indigent.

Freedom of Movement: Most Somalis were restricted to Umkulu Refugee Camp.

Employment: There did not appear to be discrimination based on nationality in terms of employment or entitlements with the exception of that directed at resident Ethiopians, some of whom the government viewed as potential security risks. Refugees were not granted formal work permits but were allowed to work informally.

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

Ethiopians, Sudanese, and Somalis were able to access basic government services upon procuring and presenting residency permits. UNHCR reported the suspension in the issuance of exit visas for Somali refugees in Umkulu Refugee Camp continued, and it raised concerns with the government regarding the implementation of durable solutions.

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

Section 3. Freedom to Participate in the Political Process

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

Elections and Political Participation

Recent Elections: The government came to power in a 1993 popular referendum, in which voters chose to have an independent country managed by a transitional government. This government did not permit the formation of a democratic system. The government twice scheduled elections in accordance with the constitution but canceled them without explanation. An official declaration in 2003 asserted, “In accordance with the prevailing wish of the people, it is not the time to establish political parties, and discussion of the establishment has been postponed.” Communities elect area administrators, magistrates, and managing directors.

Political Parties and Political Participation: The country is a one-party state. Political power rested with the PFDJ and its institutions. At times the government coerced persons to join the PFDJ.

Membership in the PFDJ was not mandatory, but authorities pressured some categories of individuals, particularly those occupying government positions, to join the party. Authorities reportedly visited citizens in their homes after they completed national service and compelled them to join the party and pay the required fees. Authorities occasionally convoked citizens to attend political indoctrination meetings as part of mandatory participation in the militia irrespective of PFDJ membership. Authorities denied benefits such as ration coupons to those who did not attend. Some citizens in the diaspora claimed convocations occurred at Eritrean embassies, with the names of those who did not attend reported to government officials, sometimes resulting in denial of benefits such as passport services.

Participation of Women and Minorities: No laws limit the participation of women and minorities in the political process, and women and minorities did so. Women held four of 17 ministerial positions: justice, tourism, labor, and health. Women also served in other government positions, including as ambassador to France and as regional administrators.

Members of ethnic minorities served on the PFDJ’s Executive Council and the Central Council. Some senior government and party officials were members of minority groups.

Section 4. Corruption and Lack of Transparency in Government

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

Corruption: Persons seeking executive or judicial services sometimes reported they obtained services more easily after paying a “gift” or bribe. Patronage, cronyism, and petty corruption within the executive branch were based largely on family connections and used to facilitate access to social benefits. Judicial corruption was a problem, and authorities generally did not prosecute acts such as property seizure by military or security officials or those seen as being in favor with the government. Reports indicated corruption also existed in the issuance of identification and travel documents, including in the passport office. Individuals requesting exit visas or passports sometimes had to pay bribes.

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

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

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

International civil society organizations focused on human rights were generally not able to operate in the country. The government generally did not cooperate with such groups or with investigations into human rights abuses.

The United Nations or Other International Bodies: The government did not permit visits by the UN special rapporteur on human rights in Eritrea or the UN Monitoring Group on Somalia and Eritrea. In May the United Nations established a human rights advisor position to work with the government on its framework of action in response to the 2014 Universal Periodic Review, with which the government is cooperating.

The government permitted the ICRC to operate but limited its operations to supporting Ethiopian repatriation and vulnerable Ethiopian residents; implementing assistance projects (water, agriculture, and livestock) for persons living in the regions affected by conflict; disseminating information on international humanitarian law to students and government officials; and

connecting separated family members living abroad to their family members in the country through the country's Red Cross. Authorities did not permit the ICRC to visit prisons or detention centers.

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

Women

Rape and Domestic Violence: Rape is a crime punishable by up to 10 years in prison if convicted. The law does not specifically criminalize spousal rape.

The COI reported in 2015 that sexual violence against women and girls was widespread in military training camps, the sexual violence by military personnel in camps and the army amounted to torture, and the forced domestic service of women and girls in training camps amounted to forced sexual slavery. In a 2015 report, CEDAW expressed concern about reports that women in national service frequently were subjected to sexual violence, including rape.

Domestic violence is punishable as assault and battery. Authorities rarely intervened.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C. Government efforts to reduce FGM/C included public awareness campaigns at the local level targeting religious and community leaders. The UN Population Fund (UNFPA) worked with the government and other organizations, including the National Union of Eritrean Women and the National Union of Eritrean Youth and Students, on a variety of education programs to discourage the practice.

For more information, see:

<https://data.unicef.org/resources/female-genital-mutilation-cutting-country-profiles/>

Sexual Harassment: The transitional penal code does not criminalize sexual harassment. There was no record of any person ever being charged or prosecuted for sexual harassment.

Coercion in Population Control: There were no reports of coerced abortion, involuntary sterilization, or other coercive population control methods. Estimates on maternal mortality and contraceptive prevalence are available at:

www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: Family, labor, property, nationality, and inheritance laws provide men and women the same status and rights. The law requires equal pay for equal work. Nevertheless, women, particularly in rural areas, continued to face economic and social discrimination.

Children

Birth Registration: A child derives citizenship from having at least one citizen parent, whether the person is born in the country or abroad. Registration of a birth within the first three months requires only a hospital certificate. CEDAW reported that authorities registered almost all children born in urban hospitals but not those born in rural areas, where there were few hospitals. If not registered a child may not be allowed to attend school but may receive medical treatment at hospitals. For additional information, see Appendix C.

Education: Education through grade seven is compulsory and tuition free, although students' families were responsible for providing uniforms, supplies, and transportation. Access to education was not universal. In rural areas parents enrolled fewer daughters than sons in school, but the percentage of girls in school continued to increase.

The government requires all students who reach grade 12 to complete their secondary education at the Sawa National Education and Training Center. Some persons who attempted to leave the country did so to avoid going to Sawa because of obligatory military training and poor living conditions at the school.

Child Abuse: Local social welfare teams investigated circumstances reported to be abusive and counseled families when child abuse was evident. Child Wellbeing Committees existed at the district and community levels that provide mitigation and assistance for abused and neglected children.

Early and Forced Marriage: The legal minimum age for marriage for both men and women is 18, although religious entities may condone marriages at younger ages. Girls in rural areas were particularly at risk for early marriage. Female ministers spoke publicly on the dangers of early marriage and collaborated with UN agencies to educate the public regarding these dangers, and many neighborhood committees actively discouraged the practice. In June 2016 the

government and the United Nations launched a national campaign to end child marriage in the country. For additional information, see Appendix C.

Sexual Exploitation of Children: The law criminalizes child prostitution and includes penalties relating to obscene or indecent publications. The minimum age for consensual sex is 18. Penalties for conviction of the commercial sexual exploitation of children include imprisonment. Such crimes were seldom reported, and punishment was rarely applied.

Child Soldiers: The law prohibits the recruitment of children under age 18 into the armed forces. Children under age 18, however, were detained during round-ups and sent to Sawa National Training and Education Center, which is both an educational and military training school where living conditions are Spartan and health care very basic. Those who refused to attend and participate in military training were often unable to get a job.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

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

Trafficking in Persons

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

Persons with Disabilities

The law and unimplemented constitution prohibit discrimination against persons with disabilities, but they do not specify the types of disabilities against which discrimination is prohibited. The government implemented programs to assist persons with disabilities, especially combat veterans, and dedicated substantial resources to support and train thousands of persons with physical disabilities. No laws mandate access for persons with disabilities to public or private buildings, information, and communications. There were separate schools for children with

hearing, vision, mental, and intellectual disabilities. Most of these schools were private. The government provided some support to them.. The Ministry of Labor and Human Welfare is responsible for protecting the rights of persons with disabilities, including mental disabilities.

National/Racial/Ethnic Minorities

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

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

The law criminalizes consensual same-sex sexual activity, which is punishable if convicted by 10 days' to three years' incarceration. The government did not actively enforce this law. Antidiscrimination laws relating to lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons do not exist.

There were no known LGBTI organizations in the country.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join unions, bargain collectively, and conduct legal strikes. The law prohibits antiunion discrimination and requires reinstatement of union leaders dismissed for union activity, but it does not provide equivalent protection for other workers dismissed for engaging in union activity. The law allows for the establishment of unions in workplaces with at least 20 employees and requires a minimum of 15 members to form a union, and Bisha mine employees unionized during the year. The law requires prior authorization from the Ministry of Labor and Human Welfare to establish a union, but it deems registration granted if no response is received from the ministry within one month.

The government did not effectively enforce the applicable laws. While there is a fine for antiunion discrimination or acts of interference, this fine did not constitute an adequate deterrent, according to the International Labor Organization. No corresponding penal law provisions specifically address labor violations.

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

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

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced labor and slavery but allows compulsory labor for convicted prisoners. The law's definition of forced labor excludes activities performed as part of national service or other civic obligations, and labor protections limiting hours of work and prohibiting harsh conditions do not apply to persons engaged in national service. The law provides penalties of five to 20 years' imprisonment for conviction of "enslavement." The law also provides penalties of imprisonment and fines for "violation of the right to freedom to work," which appears to cover situations of forced labor. The government enforced these laws within private industry.

By law all citizens between ages 18 and 50 must perform national service, with limited exceptions. The national service obligation consists of six months of military training and 12 months of active military service and development tasks in the military forces for a total of 18 months, or for those unfit to undergo military training, 18 months of service in any public and government organ according to the person's capacity and profession. There is no provision for alternative service for conscientious objectors.

Forced labor occurred. Despite the 18-month legal limit on national service, the government did not demobilize many conscripts from the military as scheduled and forced some to serve indefinitely under threats of detention, torture, or punishment of their families. Persons performing national service could not resign or take other employment, generally received no promotions or salary increases, and could

rarely leave the country legally because authorities denied them passports or exit visas. Those conscripted into the national service performed standard patrols and border monitoring in addition to labor such as agricultural terracing, planting, road maintenance, hotel work, teaching, construction, and laying power lines.

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

There were reports of recruitment efforts for national service projects such as cutting grass at the airport or fixing roads happening without notice or extra payment for participants.

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

c. Prohibition of Child Labor and Minimum Age for Employment

The legal minimum age for employment is 14, although this restriction does not apply to self-employed workers. The government prohibits persons under age 18 from employment between 6 p.m. and 6 a.m. and for more than seven hours per day. The government has not determined by national law or regulation the types of hazardous work prohibited for children.

Labor inspectors from the Ministry of Labor and Human Welfare are responsible for enforcing child labor laws, but inspections were infrequent and penalties, if imposed, were arbitrary and generally insufficient to deter violations. Although the government had a national action plan to protect children from exploitation in the workplace, the implementation process was not clear, and reports were not published.

Children in rural areas commonly worked on family farms, fetched firewood or water, and herded livestock. In urban areas children worked as street vendors of cigarettes, newspapers, and chewing gum. Children also worked in small-scale garages, bicycle repair shops, metal workshops, and tea and coffee shops. They

also transported grain or other goods via donkey cart or bicycle. Child domestic service occurred. Begging by children occurred.

The government continued to require secondary school students in the ninth, 10th, and 11th grades to participate in summer work programs known as “maetot.” News reports indicated students engaged in activities such as environmental conservation, agricultural activities (irrigation, maintenance of canals, and terracing), and production and maintenance of school furniture. They also served as crossing guards in urban areas.

Also see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at www.dol.gov/ilab/reports/child-labor/findings/.

d. Discrimination with Respect to Employment and Occupation

With respect to employment and occupation, labor laws prohibit discrimination based on race, color, sex, disability, social origin, nationality, political orientation, or religion. The law does not prohibit discrimination on the basis of sexual orientation or gender identity, HIV-positive status, language, or age.

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

e. Acceptable Conditions of Work

The national minimum wage for employees of PFDJ-owned enterprises and government employees was 360 nakfa per month. At the official exchange rate, this equaled \$23, but it was considerably less at the unofficial market rate. There was no national minimum wage for private-sector workers. The government paid national service recruits according to a fixed scale, and the most common salary was 800 nakfa (\$52) per month. During the year the government announced salaries of recruits would be raised, but reportedly increased deductions from salaries, such as taxes and maintenance, resulted in a decrease in some cases. The standard workweek was more than 40 hours, and employers sometimes required overtime. The law allowed for more than two hours per day or eight hours per week of overtime. The law entitles workers to overtime pay, except for those employed in national service, but this was not always enforced. The legal rest period is one day per week, although most employees received one and one-half days.

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

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

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

Information regarding abuses pertaining to wage, overtime, safety, and health standards was neither reported nor available.