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Country Information and Policy Unit

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1. SCOPE OF DOCUMENT

1.1 This assessment has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, from information obtained from a wide variety of recognised sources. The document does not contain any Home Office opinion or policy.

1.2 The assessment has been prepared for background purposes for those involved in the asylum / human rights determination process. The information it contains is not exhaustive. It concentrates on the issues most commonly raised in asylum / human rights claims made in the United Kingdom.

1.3 The assessment is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain. These sources have been checked for currency, and as far as can be ascertained, remained relevant and up to date at the time the document was issued.

1.4 It is intended to revise the assessment on a six-monthly basis while the country remains within the top 35 asylum-seeker producing countries in the United Kingdom.

2. GEOGRAPHY

2.1 The State of Eritrea has an area of 121,144 sq km. It lies on the Red Sea coast of north-eastern Africa and is bordered by Sudan to the Northwest, Ethiopia to the south and Djibouti to the Southeast. At mid 1998 Eritrea's population was estimated by the United Nations to be 3,577,000. The population is fairly evenly divided between Tigrinya-speaking Christians, traditional inhabitants of the highland areas, and the Muslim communities of the western lowlands, northern highlands and eastern coast. The capital is Asmara and the main port cities are Massawa and Assab. Several languages are spoken, including Tigrinya, Tigre and Amharic. Arabic and English are also widely spoken. [1][2][3]

3. ECONOMY

3.1 The Eritrean economy is largely based on subsistence agriculture, with 80% of the population involved in farming and herding. The small industrial sector consists of mainly light industries and outmoded technologies. Domestic output (GDP) is substantially augmented by worker remittances from abroad. Government revenues come from custom duties and taxes on income and sales. [31]

DROUGHT & FAMINE

3.2 Musa A. Bungudu, Deputy Humanitarian Coordinator & Head of the Office for the Coordination of Humanitarian Affairs (OCHA), explained to the UK delegation to Eritrea in November 2002 that the current drought situation had extended beyond the traditional areas of drought and threatened the country's natural "bread basket"; as such he viewed the situation as very serious. [5]

3.3 He anticipated major malnutrition problems by early 2003. Droughts of 2-3 years is not uncommon to the country but the situation this time has been compounded by a lack of fresh drinking water for people and their animals. [5]

3.4 The rural poor are particularly vulnerable in view of the fact that they have few assets of their own. This section of the population would become at increasing risk as a result of the drought that is expected to have increasing consequences for the country, at least up until the next harvest which is due in late 2003. [5]

4. HISTORY

Refer to Africa South of the Sahara (source [1]) for more detailed history of events prior to 1991

FOUNDATIONS OF ERITREA

4.1 Italy ruled Eritrea from the late 19th century to 1941, when British forces captured the territory during the Second World War. The United Nations (UN) approved a federation between Eritrea and neighbouring Ethiopia in 1952, rather than outright independence. Under the autocratic rule of Ethiopian Emperor Haile Selassie, Eritrea's autonomy was eroded and in 1962 its status was reduced to that of an Ethiopian province. [1][2]

RESISTANCE TO ETHIOPIAN RULE 1952-1991

4.2 The Eritrean Liberation Front (ELF) began an armed struggle to free Eritrea from Ethiopian control in 1961. Splits within the ELF in the mid-1960s led to the breaking away of the reformist Popular Liberation Forces faction, which was renamed the Eritrean People's Liberation Front (EPLF) in 1977. The ELF and the EPLF fought a civil war between 1972 and 1974. There were further splits within the ELF in 1977-78 and in 1985, following a second civil war. These defections to the EPLF destroyed the ELF as an effective military force. The most influential groups remaining outside the EPLF were those associated with Ahmed Nasser, former chairman of the ELF-

Revolutionary Council (ELF-RC), and an Islamist group that grew amongst Eritrean refugees in Sudan during the 1980s. The EPLF meanwhile emerged as a well disciplined political and military organisation. [1][2]

4.3 Following the revolution in Ethiopia in 1974, which brought the hard-line Marxist 'Derg' regime to power, thousands of people joined the Eritrean resistance groups. Resistance to Ethiopian rule increased significantly following the Derg's 1977 'Red Terror' campaign of political repression. The EPLF fought Ethiopian forces from its bases in the highlands throughout the 1980s and successful campaigns saw the EPLF develop from a guerrilla force into a regular army. The EPLF captured Massawa in 1990 and Asmara in May 1991. [1][2]

INDEPENDENCE 1993 & TRANSITIONAL GOVERNMENT

4.4 At the same time that the EPLF captured Asmara in 1991, the Ethiopian People's Revolutionary Democratic Front (EPRDF), an anti-Derg alliance led by the Tigre People's Liberation Front (TPLF), captured the Ethiopian capital Addis Ababa and ousted the Derg. The EPRDF was sympathetic to Eritrean independence, accepting the EPLF as the provisional government of Eritrea, and agreed to the holding of an independence referendum in Eritrea in 1993. [1][2]

4.5 In advance of the 1993 referendum, the EPLF formed a government and established ministries, most of whose key personnel were EPLF members. Eritrea's economy was devastated from years of fighting and the EPLF undertook a programme of reconstruction. A UN-supervised referendum on independence from Ethiopia took place in April 1993. 1,102,410 Eritreans voted in the referendum with 99.8% of votes in favour of independence. Independence was proclaimed on 24 May 1993 with international recognition following on 28 May 1993. [1][2]

4.6 Following formal independence, the EPLF declared a four-year transitional period, intended to pave the way for a constitutional and pluralistic political system. The transitional government consisted of three elements: the Consultative Council, an executive body formed from the ministers, provincial governors and heads of government commissions; the National Assembly, a legislative body formed from the EPLF's central committee and representatives from provincial assemblies and appointees of the central committee; and the judiciary. The National Assembly elected the EPLF's Secretary-General Issayas Afewerki first President of independent Eritrea on 8 June 1993. [1][2]

THE PFDJ AND CONSTITUTIONAL DEVELOPMENTS

4.7 President Issayas appointed a Consultative Council of 14 ministers, all EPLF members, and ten regional governors in June 1993. At the EPLF congress in February 1994 the People's Front for Democracy and Justice (PFDJ) was formed, to transform the EPLF from a military front to a political movement for peace and democracy. The intention was to embrace all Eritreans, with the exception of people accused of collaborating with Ethiopia prior to independence. The EPLF/PFDJ espoused its support for a pluralistic political system. It was intended that a new constitution, which would be put to a national referendum, would establish a new political structure and regulate the formation of political parties. [1][2]

4.8 In March 1994 the National Assembly resolved to replace the Consultative Council, the former executive body, with a new State Council. A Constitutional Commission was also created. The Assembly also resolved to reorganise itself, to henceforth comprise 75 members of the PFDJ's Central Committee and 75 directly elected members, although no mechanism for their election was announced. There was no provision made for participation by opposition parties in the interim system. Later in March 1994, Issayas reshuffled government ministries in what was seen as an attempt to formalise the separation of government functions and the PFDJ executive. [1][2]

4.9 Conferences on reforming the constitution took place in 1994 and 1995. There was extensive popular consultation with more than 1,000 meetings throughout the country attended by half a million people. However, no opponents of the Government were invited to contribute. [1][2]

4.10 In May 1995 Issayas announced a government rationalisation programme. The 30,000 strong civil service was to be reduced by one third and 6,500 civil servants that had not been combatant members of the EPLF were made redundant immediately. Eritrea's ten administrative regions were reduced to six. New names for these regions were approved in November 1995 that are unrelated to the ethnic groups that inhabited them. [1][2]

4.11 A Constituent Assembly was established in 1997 to discuss and ratify the draft Constitution. The Assembly comprised 527 members, of whom 150 were selected from the National Assembly and the remainder from representatives of Eritreans resident abroad or elected by regional assemblies. A 30% quota for women was adhered to. A new Constitution was adopted by the Constituent Assembly in May 1997. Under the terms of the Constitution, the President would be elected for a maximum of two five-year terms. The President would have the power to appoint the ministers and Supreme Court judges. A two-thirds majority in the National Assembly could revoke the President's mandate. [1][2][4]

4.12 The new Constitution provided for 'conditional' political pluralism. With the adoption of the new Constitution, the Constituent Assembly was disbanded, having empowered a Transitional National Assembly to act as the legislative body until the holding of national elections. The Transitional National Assembly comprises 75 PFDJ Central Committee members, 60 members of the former Constituent Assembly and 15 representatives of Eritreans resident abroad. It was intended that elections to the new assembly would be held in 1998 but these have been postponed indefinitely since border hostilities with Ethiopia began in mid-1998. In October 2000 it was announced that elections would take place in December 2001 although this did not come to pass. [1][2][4]

BORDER CONFLICT WITH ETHIOPIA 1998-2001

4.13 Relations with Ethiopia, which were good following independence in 1993, deteriorated in 1997 as disagreements arose following Eritrea's introduction of a new currency, the Nafka. Fighting erupted in May 1998 in the disputed border area around Badme and spread in June 1998, with both sides carrying out air raids against towns in each other's territory. A cease-fire in aerial warfare was agreed to in June 1998. A lull in fighting after June 1998 was ended in February 1999 when further heavy fighting took place, both on the ground and in the air. Observers estimated that up to 30,000 combatants died in the fighting. The fighting diminished significantly in April 1999, with both sides declaring their commitment to Organisation of African Unity (OAU) peace plans. [1][2][7]

4.14 There were numerous clashes between Eritrean and Ethiopian troops throughout late 1999 and early 2000. In April 2000 delegations from Ethiopia and Eritrea agreed to attend OAU sponsored talks in Algiers although the delegations would not agree to meet face to face, and the talks collapsed after 6 days. [1]

4.15 In mid May 2000 hostilities resumed with Ethiopia launching a major offensive. It was estimated that between 500,000 and one million Eritreans had fled as fighting increased and that about 850,000 Eritreans and an estimated eight million Ethiopians were in need of emergency assistance. Hostilities continued into mid June 2000 but following extensive negotiations both sides expressed their readiness to accept the OAU cease-fire agreement and finally on 18 June 2000 the agreement was signed. [1][6a]

4.16 This agreement provided for an immediate cease-fire and the deployment of a UN peacekeeping force in a 24-kilometre buffer zone inside Eritrea. At a meeting in Washington, DC, USA in July 2000 to discuss outstanding technical issues, the demarcation of the border and compensation for damages during the conflict, it was estimated that some 100,000 people had been killed and more than 1 million had been displaced. [1]

4.17 In mid-September 2000 the UN Security Council approved the deployment of a force of 4,200 peace keepers, the United Nations Mission in Ethiopia and Eritrea (UNMEE). It was given an initial mandate of 6 months and charged with monitoring and ensuring that both sides complied with the agreement on the cessation of hostilities including the redeployment of forces to agreed positions. [1]

4.18 On 12 December 2000 in Algiers Ethiopia and Eritrea signed a comprehensive peace agreement ending the border conflict. The agreement provides for a permanent end to hostilities, the release and repatriation of POWs and civilian detainees, and an investigation into the origins of the conflict. It establishes two neutral commissions. One to delimit and demarcate the boundary and the second to resolve compensation claims. On 18 April 2001

the UN declared that a 25km buffer zone, separating the forces of the 2 countries, had been established. [2][10c]
[10i]

RECENT DEVELOPMENTS

4.19 On 13 April 2002 the International Tribunal at The Hague announced the long awaited border decision. The determination gave something to both sides and was initially welcomed publicly by the two governments. Each government welcomed the ruling and declared victory. There were reports of celebration in both capitals. Eritrean President Issayas Afewerki said that he was "completely satisfied" with the ruling. For his part, Ethiopia's Prime Minister Meles Zenawi has said that "the ruling vindicates Ethiopia's land claims". Some confusion remained however over which side of the border lies Badme town, the flash point for the conflict. [10m] Internationally the outcome and reaction from the two governments has been lauded, a significant endorsement coming from the Arab League on 18 April 2002. The boundary was decided by a five-member panel of judges, treaty experts and international jurists. [34]

4.21 In June 2002, the government denied reports that around 15 journalists had been arrested. It said they were carrying out military service. There were fears that regulations concerning military conscription may have been applied to silence critics of the government. At least 80 people were arrested in September. The independent press was suspended by the government for "not abiding by the press law" and remained closed at the end of the year.

At least nine journalists were arrested following the suspension of the independent press; they remained in 'incommunicado' detention without charge at the end of 2001. [7a]

4.22 Several government officials resigned in 2002. These included the ambassador to Sudan and the chargé d'affaires in Djibouti, both of whom left their posts in September. In mid-2002, the government extended mandatory national service obligations for another two years, providing cheap labour for government projects. Widespread enforcement round-ups were carried out around the country, and as a result hundreds of Eritreans fled to neighbouring countries and beyond. In October, Malta deported over two hundred asylum seekers back to Eritrea. [32b]

4.23 Human Rights Watch report that Eritreans caught attempting to flee the country were reportedly beaten and tortured. One of the more notable escapes was that by University of Asmara student union president Semere Kesete. He had been arrested in July 2001 after protesting the university's management of a forced labour national service program for university students. Semere had been imprisoned in an Asmara police station but was never charged with a crime. In July 2002 he managed to escape to Ethiopia with the assistance of one of his guards. [32b]

4.24 In May 2002, the UN High Commissioner for Refugees (UNHCR) announced that by the end of the year Eritreans in Sudan would no longer automatically be entitled to refugee status but could apply individually if they feared persecution on return to Eritrea. [32b] This refers to Eritreans that fled their country as a result of the independence war (1991) or the 1998-2000 border war. UNHCR added that the root causes of the Eritrean refugee problem no longer existed. [21q] They reported that they had voluntarily repatriated fifty thousand Eritreans from Sudan between May 2001 and mid-October 2002. Even so, well over one hundred thousand Eritreans remained in refugee camps in Sudan as of October 2002. [32b]

4.25 The US State Department's latest report on the situation in the country states that the Eritrean government's human rights record worsened in 2002 year and that it continued to commit "serious abuses", noting that an unknown number of people were detained without charge and some were still held incommunicado. The report also noted that government informers were present throughout the country and there were reports that telephone calls and e-mails were being monitored. [21r]

4.26 In a move described by regional analysts as "encouraging", the authorities in March 2002 released prominent EPLF veteran Ermias Debessai (Papayo), who had been held since 1997. Announcing the news, the opposition Awate website recalled that Ermias - Eritrea's ambassador to China at the time - had been "summoned to Eritrea by President Isayas [Afewerki] and jailed under dubious circumstances". In 2001, he was tried by Eritrea's Special Court and sentenced to seven years' imprisonment for "embezzlement". Regional observers told

the IRIN news website that his release was "encouraging and, hopefully, a sign of things to come". [21r]

5. STATE STRUCTURES

Part I

Part II

5. STATE STRUCTURES

THE CONSTITUTION

5.1 A Transitional Constitution was decreed on 19 May 1993. It has been replaced since by a Constitution that was adopted on 23 May 1997, but has not been ratified. Some areas of the constitution are acted upon nevertheless. This Constitution provides for democratic freedoms but the government of President Issayas says that the provisions of the Constitution have not been implemented fully, and elections have not taken place (last due in December 2001 but did not occur) because of the outbreak of the border conflict with Ethiopia in 1998 and the resulting chaos caused to the Eritrean society including the problems concerned with de-militarising. [1][2][4][6a][31][32a]

Citizenship and Nationality

5.2 The Eritrean Nationality Proclamation No.21/1992 published in April 1992 details the criteria and law as regarding Eritrean Nationality. Nationality in this document is split into several sections, Nationality by Birth, Naturalisation, Adoption and Marriage. [9]

5.3 Current Eritrean regard to naturalisation takes the year 1933 as the starting point. This is the year in which the Italian colonial government registered the population of the colony and declared those registered as legal residents. Therefore, these persons who have a right to Eritrean citizenship are all those who were themselves or who are the descendants of persons resident in Eritrea prior to 1933. [9]

5.4 Eritrean law specifically mentions two other time periods as well. The first period is from 1934 to 1951, the year Eritrea was incorporated into the Ethiopian Empire. The second period recognised under Eritrean law is from 1952 onwards, the year of Federation between Ethiopia and Eritrea. Further details can be found in source document 9. [9]

5.5 An applicant may apply for naturalisation through marriage to an Eritrean citizen provided s/he demonstrates three years of legal residence in Eritrea following the marriage and a renunciation of other nationality. [9]

5.6 In August 2002, the Home Office approached the Eritrean Embassy in London in order to clarify certain points with regards to obtaining Eritrean nationality. These points were further clarified and discussed a meeting with the Embassy in October 2002. The replies stated the following.

- (a) A person born in Eritrea or with an Eritrean parent is eligible for Eritrean nationality.
- (b) The political views of the three witnesses required to prove Eritrean heritage are not relevant to the establishing of nationality.
- (c) The political views of the applicant for nationality are not relevant to establishing eligibility for nationality and obtaining an Eritrean passport.
- (d) Voting in the 1993 Referendum is not a necessary precondition to establishing nationality.

(e) Not paying a 2% tax on nationals overseas does not preclude eligibility for Eritrean nationality or obtaining an Eritrean passport.

(f) Claiming refugee status overseas does not preclude eligibility for Eritrean nationality or obtaining an Eritrean passport.

(g) All applications are filled in person by the applicant at the Embassy's consular section. No application forms out of the standard provided by the Embassy are accepted.

5.7 The UK delegation to Asmara spoke to Gebretnsae Tewelde, Operations Chief - Department of Immigration & Nationality for Eritrea in November 2002. He stated that if a person's parents or grandparents were born in Eritrea, then they would be entitled to Eritrean nationality. He also confirmed that applicants would not be asked about their views, political or otherwise.

5.8 In July 2001 the Eritrean Ministry of Foreign Affairs also asserted that participation in the 1993 referendum was not a relevant factor in deciding whether or not a person is entitled to Eritrean nationality. [17]

5.9 The few deportees of Eritrean origin from Ethiopia who cannot demonstrate their ties to Eritrea have been issued documents that identify them as Ethiopians, which permit them to stay in the country. Government and army officials who routinely check the identification cards of citizens in order to find draft evaders and deserters reportedly consider these Ethiopian deportees to be Eritreans who are trying to avoid national service. [6a]

Three witnesses

5.10 The three witnesses method is used because it would not always be possible to check a person's identity by use of birth certificate. As this can be rather hard to do the three witnesses identification method is favoured in all cases. [5]

5.11 An applicant for Eritrean Nationality therefore is required to call on any "three witnesses" to verify that the applicant is an Eritrean national. The "three witnesses" must be Eritreans who hold an Eritrean identification card or passport. [5]

5.12 Though every adult is supposed to have a national ID card and anyone holding an Eritrean passport would be in possession of that card, identity records are not always centralised and it is often difficult to find information about an individual. While documentation can help a person to prove nationality the Eritrean government now relies on the "three witness" criteria. [5]

5.13 An applicant can choose any three Eritreans in the world that they know personally. A person abroad will have to go to the Eritrean embassy of that country in order to answer questions. These are standard questions about how long they have known the person, relationship etc. They sign a piece of paper that is then faxed onwards. [5]

5.14 The profile of the witness does not have a bearing on acceptability. They are not asked for political or any other views. They must be a registered Eritrean citizen and must show that they know the person well. It is a character witness procedure; they must agree to be responsible for the person's application to be a recognised Eritrean citizen. [5]

5.15 There are over three million people in Eritrea, as well as hundreds of thousands in the Diaspora (Eritreans abroad). Even if they came from Ethiopia or Sudan they could be expected to know many other Eritreans. It is a matter of history that those in Ethiopia kept close contact with family in Eritrea, even those that stayed in Ethiopia after independence. Most formed "clubs" to celebrate and remember their culture. Those in the Sudan lived in "Eritrean communities and camps". Many tens of thousands of those returned from Ethiopia and Sudan had their stay regulated and now have Eritrean passports. Not only will the authorities allow witnesses from all over the globe but they will follow up claims. So for example if someone claims to be from a certain village, the authorities will send word to that community so that they can get the witnesses to come forward. [5]

5.16 The three witnesses themselves only need to be in possession of an Eritrean ID card or Passport. No other

criteria are used, whether political, racial, religious or otherwise. [5]

The 1993 Referendum

5.17 Participation in the 1993 Referendum no bearing on eligibility for Eritrean nationality. Participation had importance when Eritrea first achieved independence but now over a decade later this is no longer the case. The problem is that many people were not able to vote in the referendum for one reason or other and it would not be reasonable or logical to apply such criteria after a decade of independence. Some had been in inaccessible areas, some had been sick, some out of the country, some were too young. [5]

5.18 Over time such a criterion has lessened in importance to the point now where it is of little importance. The initial vote was conducted largely thanks to the machinery of the Ethiopian government. They held the central records. The Eritreans have most of the information now but since the border war, they can no longer check any discrepancies. Therefore they cannot always verify if a person voted in the referendum or not. [5]

Mixed marriage or mixed marriage categories

5.19 In most cases a mixed marriage will prove to be no problem if both partners are already in Eritrea. If they are split between Eritrea and Ethiopia then the ICRC arranges visits and temporary reunions. [5]

5.20 If both partners were in Eritrea the non-Eritrean would simply apply for a residence permit. This is also the situation if a person is unable to prove nationality. While a person attempts to prove their credentials, a person is given a residence permit, these are renewable every six-months. With most residence permits a person is allowed to work. [5]

5.21 In cases where a person is part of an expelled mixed marriage they will if at all possible be dealt with faster. The Eritrean government is very sympathetic to such cases. [5]

5.22 In the case of a mixed birth a person would generally not have problems as long as they can prove that they have Eritrean roots. This would make them eligible for Eritrean nationality under the normal procedures of the nationality proclamation. [5]

POLITICAL SYSTEM

5.23 Since independence Eritrean politics has been in a transitional stage. Following the referendum of 1993, a National Assembly consisting entirely of People's Front for Democracy and Justice (PFDJ) members was established as a transitional legislature; a Constitutional Commission was also established to draft a Constitution. Isayas Afewerki was then elected President by the transitional legislature. [31]

5.24 The PFDJ still has not fulfilled the ambitious program that it initially outlined for a transition to a democratically elected government by 1997. Elections, originally scheduled for 1997, never have been held. The only authorised political party is the PFDJ, and there are no (official) opposition parties active domestically. In 2000, the Government established two committees to develop guidelines and rules for new elections and the formation of political parties, and these committees completed their work in March and April; however, the drafts later were modified. The draft electoral law and the draft law regulating the formation and activities of political parties were the subject of ongoing public discussions under the Government's auspices during the year. National Assembly elections were scheduled for December; however, the elections did not take place by year's end. Government officials stated that the elections were delayed because of continuing tensions with Ethiopia and problems caused by dissidents and the private press. [2][6a][32a]

5.25 In 2001 dissent within the ruling PFDJ began to surface. In April 2001 a former Eritrean Government minister Mahmud Sherifo who had been sacked two months earlier openly criticised the government saying that the president did not support the creation of political parties. Sherifo, who had been local government minister and was involved in a committee drafting a law on political parties, said that he had been sacked after the President stopped publication of the draft laws. [10d] On 18 and 19 September, 11 senior officials in the ruling

People's Front for Democracy and Justice were arrested. They had written an open letter in March to fellow party members accusing the government of acting in an "illegal and unconstitutional" manner. They remained in incommunicado detention without charge or trial at the end of the year. [7a]

5.26 In late May 2001 reports surfaced of an internal letter signed by 15 senior members of the party accusing the President of working in an illegal and unconstitutional manner. [10e] In June 2001 two of the signatories of the letter, Petros Solomon and Haile Woldensae respectively ministers for fisheries and trade and industry were sacked and replaced. [10f] The 15 dissenters became known as the G-15 group. [21f]

5.27 Elections for the new National Assembly although scheduled for 1998 were postponed indefinitely after the outbreak of the war with Ethiopia. As a result, President Issayas governed by proclamation, unrestrained by a transitional National Assembly that met infrequently. [32a]

5.28 In January 2002, the government did however reconvene an interim "National Assembly" that had not met since September 2000. The assembly consisted of seventy-five PFDJ central committee members and seventy-five party members selected by the leadership in 1993. The assembly approved the government's arrests and press closings. It accused those arrested of having committed "grave crimes." A resolution claimed that the closed newspapers had been "foreign-funded" and had "engaged in defamation and rumour-mongering." [32b]

5.29 The assembly approved an election law which Human Rights Watch claim has been designed to preserve the PFDJ's monopoly on power. Under the law, no political party other than the PFDJ would be allowed to operate. The assembly resolution criticised previous attempts to permit political pluralism. The election law disenfranchised anyone who commits treason or "crimes against the nation." It permitted members of the armed forces to be candidates for office. Although President Isayas appointed a five-person electoral commission at the end of January 2002, no elections had been scheduled as of October 2002. [32b]

THE JUDICIARY

5.30 The judiciary is formally independent but is weak and subject to interference by the executive. The judiciary is administered as part of the Ministry of Justice and relies on the Ministry for logistical and salary support, which further limits the judiciary's independence. At a conference in Asmara on 23 July 2001 Chief Justice of the Supreme Court, Teame Beyene, criticised the President's Office for intruding in the affairs of the court. Justice Teame was sacked within a week. [6a][27]

5.31 The judiciary has three parts: civilian, military and special courts. The civilian court system consists of village, sub-regional and regional courts and a High Court that serves as an appellate court. The judicial system is still developing but suffers from a lack of trained staff and poor funding, which in practice limits the right of accused people to a speedy trial. Sixteen new courthouses were completed in 1998 but the conflict with Ethiopia has since limited development of the judicial infrastructure. [6a]

5.32 At independence, the Government decided to retain the Ethiopian legal system. Village courts hear simple crime cases. Regional courts hear more serious cases and the High Court hears cases involving murder, rape and other serious charges. A panel of three judges hears cases before the High Court. A single judge hears cases in lower courts. The Government has developed new commercial, penal and criminal codes, which were ready for ratification by the National Assembly at the end of 2000 although these were not ratified by the end of the year. [6a]

5.33 Defendants have access to legal counsel, usually at their own expense. While there is no formal public defender's office, the Government has requested successfully that defence attorneys work without fee to represent defendants accused of crimes punishable by more than ten years imprisonment who are unable to afford legal representation. Verdicts may be appealed against to the High Court, which comprises a president and five judges. [6a]

5.34 As the population is largely rural, most people only have contact with the legal system through village courts, which deal mainly with civil matters. Criminal cases are transferred to magistrates. Many local issues, such as

property disputes and petty crimes, are adjudicated by local elders according to custom, or, in the case of Muslims, Shari'a law. Traditional courts cannot impose sentences involving physical punishment. [6a]

5.35 Arbitrary arrest and detention remain a problem. The Penal Code limits the period a detainee may be held without charge to 30 days. In practice, however, the authorities sometimes hold suspects for much longer periods. [6a]

Special courts

5.36 To tackle the growing backlog in the civilian court system, the Defence Minister created the special court system in 1997. Judges in the special courts are senior military officers, most of whom have little if any legal experience. The special courts have jurisdiction over criminal cases, including capital offences, and cases of corruption by senior officials. The special courts may also re-try civilian court cases including those decided by the High Court. [6a]

5.37 The special courts also handle cases of alleged corruption during the independence war by former members of the EPLF. Senior former EPLF fighters are often 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 code have been arrested and held without formal charge. [6a]

5.38 In the special courts there are no defence lawyers and no right of appeal. The continued handling of civilian cases by the special courts raised problems of due process because of the absence of defence counsel and denial of appeal rights. [6a]

5.39 The drafting of many civilians, including judges, defendants, lawyers and court officials, into the military because of the border conflict with Ethiopia that began in 1998 has had a significant negative impact on the judiciary. The High Court was reduced from seven to three benches and regional and village court personnel were reduced by 40%. There have consequently been lengthy delays in the processing of cases. During 2000 some of these personnel were permitted to return to work. [6a]

5.40 Amnesty International report that some of those arrested under the Special Court's jurisdiction have been detained incommunicado and secretly for long periods without charge or trial, and it has been alleged that charges have been politically motivated in some cases. In 1999 the Attorney General informed Amnesty International that it was a "temporary measure", but there have been no signs of the authorities rescinding it or responding to the widespread assessment that it deliberately and systematically violates fundamental principles of fair trial. [7e]

LEGAL RIGHTS/DETENTION

5.41 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 detain persons suspected of crimes for much longer periods. The Government held a number of pre-trial detainees during the year. The Government continued to detain a small number of Ethiopians during the year; however, the majority were prisoners who were convicted of common crimes. [6a] The omission of the right to legal representation in the Constitution, which is a fundamental element of fair trial, is incompatible with international human rights instruments, including the African Charter on Human and Peoples' Rights. [7e]

5.42 In September 2001, the Government arrested and detained incommunicado 11 senior PFDJ and National Assembly members, including former Cabinet ministers and army generals, who were part of the "Group of 15," (or G-15) after they expressed political opinions critical of the Government. The detainees were not charged; however, their whereabouts remained unknown at year's end. In addition to these arrests, in September the Government began arresting other individuals, most of them with known ties to political dissidents, and detained them without charge and without access to visitors. The Government continued to make such arrests sporadically through the end of 2001. It was estimated that a total of 80 political detainees had been arrested by year's end. [6a]

5.43 There were unconfirmed reports that the Government continued to hold numerous members of the Eritrean Liberation Front (ELF), an armed opposition group. Authorities sometimes arbitrarily arrested and detained former combatants or members of the PFDJ who violated an unwritten code of conduct. [6a]

5.44 Approximately four members of Jehovah's Witnesses remain in detention without charge for failing to participate in national service. Some have been detained for more than 5 years without charge. [6a]

5.45 An estimated 14 Sudanese remained in detention at year's end. Officials from the Government of Sudan reportedly were denied access to these prisoners. There was no additional information available on the detainees at year's end. [6a]

Death penalty

5.46 All death sentences were commuted in 1993 and it is believed that courts have not imposed the death sentences since then, although the death penalty is an optional penalty for homicide in aggravated circumstances and treason. [7e]

INTERNAL SECURITY

5.47 The police are responsible for maintaining internal security, although the Government may call on the armed forces, the reserves, and demobilised soldiers in response to both domestic and external security requirements. These forces were under the full control of, and responsive to, the Government. In 1998 fighting broke out between the armed forces and Ethiopian militia along the border, which led to a 2-year war with Ethiopia. The Government responded to an escalating military conflict by calling up reserves and increasing its armed forces to approximately 300,000 soldiers. In addition to the border conflict, the army has had 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. [6a]

PRISONS AND PRISON CONDITIONS

5.48 The US State Department describes conditions in Eritrean prisons as being spartan. Family members are permitted to visit prisoners three times a week. There are no juvenile detention centres and young offenders are often imprisoned with adults. There were no confirmed reports in 2000 or 2001 of prisoners dying through a lack of proper medical care, although many observers believe that the police at least occasionally resort to torture and physical beatings of prisoners particularly during interrogations. [6a]

5.49 Prior to 8 August 2000 the Government did not generally permit prison visits by local or international human rights groups. However, in 1998 the Government began to allow independent monitoring of conditions in detention facilities after the border conflict with Ethiopia began. As from 8 August 2000 the Government allowed the ICRC to visit and register civilian detainees in internment camps and prisons and as from 30 August 2000 the ICRC was permitted to visit Ethiopian POWs. In November 2000 for the first time, the ICRC was permitted to visit several police stations in Asmara where Ethiopians were reportedly being held. [7f][6a]

5.50 Amnesty International believes that certain people, who in the past were considered to be missing, may actually be languishing in Eritrean jails. [5]

THE MILITARY

5.51 All citizens (men and women) 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. In addition some national service inductees have been released back to their civilian jobs, while nominally kept in the military, because their skills are deemed critical to the functioning of the Government or the economy. These individuals are required to forfeit to the Government earnings in excess of the national service salary and also are required to perform farm labour. The maximum penalty for refusing to do national service is three years. The government does not excuse those individuals that object to military service for reasons of religion or conscience, nor does the government allow alternative service. [6a][6b]

5.52 In August 1999, Eritrea's active armed forces were estimated to number 200,000 of who up to 150,000 were conscripts, including an army of about 180,000, and a navy of 1,100. In addition there were some 120,000 reservists. [1]

5.53 Since the beginning of the border war in 1998, more than 6 percent of Eritrea's population has served in the armed forces. As a result both the civil service and private companies have suffered serious staff shortages. In order to meet the urgent demand for manpower, the government plans to employ soldiers in local public works programmes - such as building dams, repairing roads and public buildings - while they await demobilisation. [21m] Since this move however reports claim that soldiers in Eritrea have been mounting checks on young men and women to track down those that have dodged the draft. [10n]

5.54 There had always been limited resistance to certain people being drafted, especially with the case of Muslim women. [5]

5.55 Regardless of official edict, there now seems to be no real time limit, many are now understood to have been in the army for six or even seven years with no end in sight for demobilisation. Parents however wanted young people to return after 18 months. [5]

5.56 In addition, while the official proclamation states that military service is for persons aged between 18 and 40, during the war people as young as 15 or as old as 60 were allegedly taken into service. [5]

Military round-ups and draft evaders

5.57 The Government deploys military police periodically in Asmara and other cities to find deserters and draft evaders. The military police detained persons who had not completed the national service requirement. This was however reduced significantly from the previous year. Unlike in the previous year, there were no known reports that military police detained persons with physical or mental disabilities during the year. Those who were deemed unfit for military training by a military medical board were released; the others were required to fulfil their national service obligations. In some instances, authorities reportedly arrested and detained for hours individuals who had proper documentation showing they had completed or were exempt from national service while the military police checked their stories. [6a]

5.58 Unconfirmed reports state that people try to evade service in a number of different ways. Some go in to hiding, some work as maids and never leave the home of their employer, some get married and/or pregnant, some obtain fake ID documents and others attempt to leave the country. [5]

5.59 There exist particular problems with the call up Muslim women. Once a Muslim has undertaken her service the chances of being able to marry were considered to be reduced; this was given as a reason why this section of society in particular, though by no means exclusively, try to evade service. [5]

5.60 The practice of pulling young people off public busses is a common practice and on some routes such as Asmara to Barentu this approach was used to such an extent that few young people would even make the trip. The UK delegation to Eritrea travelled this route by private vehicle and noted that there were checkpoints outside almost every town and village between Keren and Barentu. Check points were less frequent between Keren and Asmara or on the road from Asmara to Massawa, which was also travelled by the delegation, although occasional checkpoints were observed on both these routes. [5]

5.61 In October 2002 every youngster that had completed secondary education was ordered to report for military service. After final exams, students are being called up and taken to the Sawa military training camp. Those that have been accepted to Asmara University return, the rest start their military service. However, recently even

graduates from Asmara University have been called up after graduation. [5]

Military service

5.62 People who object to military service on religious grounds are not excused from it and there is no provision for any form of alternative service. The maximum penalty for refusing to perform national service is three years imprisonment. Members of the Jehovah's Witnesses religious group have experienced harassment and restrictions because of their refusal to undertake military service. Some Muslims have objected to universal military service with regard to the requirement that women perform military duty. [6a]

5.63 The University of Asmara refuses to give diplomas to students who completed their studies unless they undertook their national service; additionally new graduates were occasionally pressured to work for government bodies. The army resorts to various forms of extreme physical punishment to force objectors, including some Jehovah's Witnesses, to undertake military service. [6a]

Demobilisation

5.64 IRIN reported on 2 July 2002 in an article entitled "*Demobilisation pilot phase completed*" that the pilot phase of the planned Eritrean demobilisation plan was soon to be completed. The National Demobilisation and Reintegration Process (DRP) set out an aim to demobilise 200,000 from the Eritrean armed forces, with the pilot scheme demobilising 5,000. [21m] Although money had been provided by the international community specifically for demobilisation, this proved to be incorrect. [5]

5.65 Under the DRP those demobilised would receive two months food ration, money, medical tests and transport home. In an attempt to ease their transition back to civilian life, there were also plans to offer advice about social and health issues such as HIV/AIDS, post-traumatic stress counselling and information about how to find work, continuation of education and learning new skills. [21m]

5.66 President Issayas Afewerki explained at a meeting attended by members of the International community including OCHA, in October 2002, that there had previously been difficulties with obtaining resources, planning and possibly other factors. Musa A. Bungudu, Deputy Humanitarian Coordinator & Head of the Office for the Coordination of Humanitarian Affairs (OCHA), Eritrea advised the UK fact-finding delegation to Eritrea in November 2002 that he believed that the authorities were moving ahead with the demobilisation of 200,000 people. [5]

5.67 Yemane Gebremeskel, Director of the Office of the President told the delegation that demobilisation was still planned but there is a need to ensure that everything is right with planning etc. He believed that things could not be rushed. [5]

5.68 Amnesty International however believes that it is still unclear whether demobilisation would go far enough. Despite this pilot scheme to demobilise 5,000 many more are being called up for service. The international community requires that Eritrea removes itself from a "war-footing" but it is doubtful that this is occurring as required. [5]

Prisoners of war

5.69 In August 2002, both Eritrea and Ethiopia agreed to release the remaining prisoners of war (POWs) following a visit to both countries by the ICRC president, Jakob Kellenberger. The repatriation process - stipulated in the 2000 Algiers peace deal, which put an end to their two-year border war - had been held up due to differences between the two governments. There have been off and on POW-exchanges between both countries over the last few years. [21n]

MEDICAL SERVICES

General

5.70 In the period 1990-1995 the infant mortality rate was estimated to be 101 per 1,000 live births. In 1991 there were 8 hospitals, 4 health centres and 8 health stations under the administration of the Government; these had increased to 17, 32 and 120 respectively by 1994. A statistical survey produced in 1997 by the World Health Organisation on the level of medical services ranked Eritrea 169 out of a total of 191 countries. [2][15a][15b]

5.71 Immunisation and vaccination in Eritrea has improved greatly since independence. The Eritrean Ministry of Health (MOH) reports that immunisation and vaccination have greatly reduced the number of reported cases of Polio and Measles each year since the immunisation programmes started in 1995. This has been achieved by the continued use of static sites (such as small clinics), outreach sites and the development of a mobile strategy in order to reach the more remote of Eritrea's citizens. Two rounds of immunisation day exercises are held every year for Polio and one round for measles. These are to increase education on the diseases and to vaccinate. Vitamin supplements are included in this scheme. The figures however will always wax and wane, increased detection being a pre-requisite of prevention. In addition the MOH reports that access to health services has increased since 1995. In 1995 an estimated 50% of the population had physical access to health services while in 2000 the figure was estimated to be closer to 75%. [2][28]

5.72 The Report on the implementation and convention of the rights of the child published by the Ministry of Labour and Human Welfare (MLHW) in October 2002 refers to the Eritrean Demographic Health Survey (EDHS) of 2002. According to this source infant mortality in Eritrea is 48 per 1,000 live births; under-five mortality is 93 per 1,000 live births. The same report also refers to 1999 data from the State of Eritrea Management Information System for Health (SEMISH). This lists the four leading causes of child deaths within Eritrea as being diarrhoea (27%), acute respiratory infections (20%), malnutrition (10%) and malaria (9%). [5]

5.73 As reported by the MLHW no cases of polio or diphtheria has been reported in Eritrea since 1997. In addition, all other diseases for which immunisations are available are reported to have declined. On going programmes include objectives to eliminate neonatal tetanus by 2004 and eradicate poliomyelitis by 2005. [5]

5.74 According to information provided by the MLHW, the MoH has made significant progress towards rehabilitating and expanding health services. By 1999 official figures stated that about 70% of citizens lived within ten kilometres of a health care facility compared to 10% at the time of independence. There have also been notable increases in the number of hospitals (23 as of 2000); health centres (52) and health stations (170) as well as the number of health care workers. However, as of 2000 the ratio of people to a doctor was 1:13,000 and for a nurse it was 1:2,800. It is acknowledged by the MLHW that many health centres lack trained personnel, electricity, water and furniture supplies. [5]

5.75 There is no form of social security services and treatment has to be paid for. However, the cost of services and medication is cheap by western standards and reasonable in comparison to many other countries in the region. Fees are kept very low and the community is supportive towards those individuals who are genuinely unable to pay. Many Eritreans have a family member abroad (or know somebody that did) and consequently, there is definitely scope to import medication such as drugs unavailable within the country. Any medical drugs an individual might require could theoretically be obtained from overseas. [5]

5.76 Primary health care is available through a network of clinics located in rural areas that had been built up since independence. Most rural communities are now served but before this there were no such facilities. These clinics had been developed in the countryside before the towns. While they are clean and staffed by well-trained paramedics and nurses, there is a shortage of trained doctors. Thirty-five Cuban doctors are assisting in the countryside and there are plans to increase this number. [5]

Specialist facilities

5.77 Asmara has a number of specialist facilities including a dedicated paediatric hospital and an eye clinic though a new general hospital for the capital, whilst progressing, is yet to be completed; an old military hospital continues to be used at present. [5]

5.78 Some facilities are lacking within the country; for example laser treatment is not available for treating kidney stones. However, in many cases it is not a lack of knowledge or inability to undertake procedures but a risk of

postoperative infection that is a particular problem. People with standing in Eritrean society or with adequate funds might well get referrals to Saudi Arabia for treatment. Although there is a lack of some forms of specialist treatment, some such treatment is available; for example, cardiac care and treatment. [5]

5.79 There is a single hospital for psychiatric care - the "St Mary's Neuropsychiatric Hospital" located in Asmara with a capacity of 240 beds. According to the MLHW staff here include one trained psychiatrist and seven psychiatric nurses. There is no specialist child psychiatrist in the country or dedicated facilities for children with psychiatric problems, where hospital admission is necessary children would be placed in a ward alongside adult patients. The paediatric unit of the Mekane Hiwot Hospital, also located in Asmara may also track a small number of children with psychiatric conditions. However, as a result of poor community awareness children or adolescents with psychological problems are, as a result of poor community awareness, often believed to be either "bad kids" or have their condition associated with "demons or other traditional beliefs." [5]

HIV/AIDS

5.80 The HIV/AIDS epidemic is considered to be in its early stages in Eritrea. Compared to other African countries, it has a relatively low HIV prevalence rate of less than 3 percent among adults. [21o][21p] Information provided by the World Health Organisation indicated in 1999 that 2.87% of the adult population live with HIV infection. [15a][15b] By 2001, more than 13,000 people had been registered as infected. [21p]

5.81 Cultural taboos often prevent open discussion about HIV/AIDS and its dangers. In traditional society, people don't talk about sexuality or HIV/AIDS, and the government view this as a barrier to HIV/AIDS education. [21o]

5.82 In 2001, the Eritrean Minister for Health, Saleh Meky presided over the establishment of the HIV/AIDS, Malaria, Sexually Transmitted Infections (STIs) and Tuberculosis Control Project (HAMSET). HAMSET was set up to co-ordinate and improve the treatment and management of these four communicable, and often inter-linked, diseases. [21o]

5.83 Financed by the government and the World Bank, the HAMSET project has already overseen the building of a new national blood bank in Asmara. All blood donations in Eritrea are screened for HIV and other infections. [21o]

5.84 The HIV Voluntary Counselling and Testing Centre (VCT) in Asmara, opened in June 2002. It is Eritrea's first "free-standing" HIV testing facility. Offering rapid, on-the-spot HIV tests, as well as pre- and post-test counselling, it represents part of a nationwide campaign by the government to improve AIDS awareness as well as care and treatment for people living with HIV/AIDS (PLHAs). [21o]

5.85 A nationwide support group Bidho (meaning "challenge") has been established this year. It is run out of a small office in Asmara, and currently conducts workshops and courses to educate people about HIV/AIDS. It also plans to set up an advice hotline and to act as an advocate for PLHAs, lobbying to improve health care and treatment. They have been working with the government in the National AIDS Control Programme (NACP). [21o]

5.86 The health ministry, together with UNAIDS, is currently working to improve medical treatment for PLHAs and has recently started a pilot programme in antenatal clinics to provide antiretroviral drugs to prevent mother-to-child transmission of the HIV infection. [21o]

5.87 Anti-retroviral (ARV) drugs are not provided by the state for treatment of infected persons and there are no plans to introduce these drugs in the near future. Some Eritreans import ARV drugs but there are potential problems with the quality of these in so far as there is always a risk they could be out of date. However such drugs are cheap (in relative terms). [5]

The disabled

5.88 The Constitution and the transitional civil code prohibit discrimination against persons with disabilities, and the Government enforces these provisions. The long war for independence and the conflict with Ethiopia left thousands of men and women with physical disabilities from injuries they received as guerrillas, soldiers, and civilian victims. The Government spends a large share of its resources to support and train these former fighters,

who are regarded as heroes, and does not discriminate against them in training, education, or employment. There are no laws mandating access for persons with disabilities to public thoroughfares or public or private buildings; however, many newly constructed buildings provide access for persons with disabilities. [6b]

5.89 Information provided by the MLHW provides details of specialist facilities available to disabled persons within Eritrea. These include four orthopaedic workshops in three different locations where patients can be fitted with prosthesis. There are reportedly plans to open further workshops in other parts of the country. There is also a specialist clinic run by an NGO that specifically treats children under the age of 15 who are affected with a range of physical disabilities; 75% of patients are polio cases and 20% of patients have clubfeet. However others have conditions including muscle disorders, cerebral palsy and congenital deformities. Treatment is also provided for burn victims and physical trauma cases. The clinic is based in Asmara but has a network of dormitories for out-of-town patients. The clinic sees approximately 3,000 cases in a year. The Hansenians Eritrean Welfare Organisation provides care for lepers. [5]

EDUCATION SYSTEM

5.90 Primary education is free but there is a shortage of schools and teachers and only about 60% of primary age children attend school. Education is officially compulsory from ages seven to thirteen. Secondary education is neither free nor compulsory and attendance is 53%. High school students are required to participate in summer work programmes, for which they are paid. Seventy-five percent of Eritrea's population is illiterate. English is used as the language of instruction in secondary schools and university. [2][6a]The University of Asmara is the only University in the country. [10]

5.91 Although the Government claims that there are no restrictions on academic freedom the University of Asmara has refused to give diplomas to students who completed their studies unless they did military service. In August 2001 following the arrest of a student union president it was reported that some 2,000 students were being held in detention in Wia. Reports suggested that the students had been detained for refusing to take part in a mandatory summer work programme. Two students died while at Wia. The Government stated that the students had not been detained but had been sent to Wia while a new summer programme was organised and the deaths were caused by climatic conditions in the makeshift camp at Wia. [19][21h] [21] In late September following the return on many of the students to Asmara, it was announced that the University had reopened to allow for registration for the new term due to start on 8 October 2001. [21i]

5.92 In July 2001 the Government arrested without charge Semere Kessete Negasi, the president of the independent Asmara University Students' Association. Some observers believe he was arrested for leading student opposition against the Government's requirement that university students participate in a summer work program. Many university students subsequently refused to participate in the summer work program to protest the arrest. The Government retaliated by detaining approximately 450 university students and ordering the others to report for the work program. Approximately 2,000 students of a university student population of approximately 3,3000 students complied with the Government's order. [6a]

5.93 The detained students were sent to a work program under harsher conditions than the original program. The students were taken to Wia where temperatures routinely exceed 113 degrees Fahrenheit. There were reports that the student detainees were not given adequate food, water, or shelter at Wia. The male students were held at a military facility with no shelter from the sun. At least two students died from heat-related causes. The students completed the work program in late September and early October and were permitted to return to classes. [6a]

6. HUMAN RIGHTS

6A. HUMAN RIGHTS ISSUES

Part IPart IIPart III**6. HUMAN RIGHTS****6A. HUMAN RIGHTS: ISSUES****OVERVIEW**

6.1 The US State Department reports that the Eritrean Government has a poor human rights record. [6a] The Penal Code of Eritrea, a modified version of the Ethiopian Penal Code, and the Constitution prohibit torture or cruel, inhuman or degrading treatment or punishment. [4] Arbitrary arrest and detention remain a problem and an unknown number of people suspected of association with the Ethiopian Mengistu regime, radical Islamic groups and terrorist groups remain in prolonged detention without charge. In August 2000 the Government allowed the International Committee of the Red Cross (ICRC) access to Ethiopian civilian detainees and prisoners of war. [6a] Freedom of the Press remains limited although independent newspapers were flourishing until their closure in September 2001. [6a][26a]

6.2 Dissidents are taken into detention without trial and there is a general lack of democracy. All existing parliamentarians are linked to the ruling party and in effect the Government is therefore effectively a dictatorship. The Government does not compare with the military dictatorships that control some other countries however. The regime is not "brutal or mad" and for the vast majority of citizens who do not criticise the Government it is possible to live in peace. The Government appears to respect and work according to the draft constitution although this is neither complete nor ratified. Corruption is not an issue at the highest level of Government. [5]

6.3 Unlike most countries the police are seldom seen on the street though occasionally groups of 2-3 soldiers might be observed participating in round ups for national service or a general ID check. Detention conditions in Eritrea compare favourably with those in some neighbouring countries in the region and the ICRC provides Human Rights training to the army. [5]

6.4 However, President Isayas Afewerki's top economic adviser, Dr Woldai Futur, has accused the international community of subjecting Eritrea to "double standards" over human rights issues. Speaking to reporters at the Office of the President in Asmara, he said that conditions imposed on Eritrea in the field of human rights were "much harsher" than those imposed on other countries. Woldai did however confirm that the Eritrean government remained open to criticism. [21p]

6.5 He also reiterated the government's position that the closure of the private press and the detention of dozens of political leaders and journalists in 2001 was - however regrettable - was necessary in order to ensure the country's national security. "Every nation has to do to what it has to do to survive and to ensure its own national security," he said. [21p]

6.6 Dr Woldai implied a double standard where European Union had, for example, recently taken positions "against Eritrea", while "rewarding Ethiopia" with further development assistance, despite a "worse" human rights record there. "We didn't massacre people," Woldai said in reference to anti-government protests in Addis Ababa last year when dozens of students were killed by the Ethiopian military. "We put people in jail. There is a difference". [21p]

6.7 Human Rights Watch note in their 2003 report that nine years after Eritrea obtained its independence, no institutions yet existed to restrain government abuses, and presidential rule by decree continued unfettered. The ruling People's Front for Democracy and Justice (PFDJ) was the sole political party allowed to operate. [32b]

Use of torture

6.8 The Penal Code of Eritrea, a modified version of the Ethiopian Penal Code, and the Constitution prohibit torture or cruel, inhuman or degrading treatment or punishment. However, as reported by the US Department of State many observers believe that the police at least occasionally resort to torture and physical beatings of prisoners, particularly during interrogations. [6a]

6.9 The UK fact-finding delegation to Eritrea in November 2002 found much disagreement regarding views on torture. While western embassies in Asmara stated that they were not aware of any reports of torture being routinely used in Eritrea, Dr Hill of Amnesty International, Dr Patrick Gilkes, a consultant on the Horn of Africa based in the UK and Ali Mohamed, Management Committee Member, Eritrean Human Rights Organisation, London believed that it was prevalent. [5]

6.10 The embassies stopped short of going to the extent of saying torture did not occur at all but were clear in their view that its use was not systematic. They did not however consider that they would be informed of such incidents if they did occur. [5]

6.11 It is possible that torture has been used in some circumstances, such as against the Eritrean Islamic Jihad (EIJ). This situation does not amount to the culture of systematic torture that exists in certain other countries in the region. Of the 100 odd people detained in the last third of 2001, there are no reports that any had been subjected to torture. [5]

6.12 Amnesty International is still attempting to research the issue of torture in Eritrea but have had disturbing reports from army deserters. Amnesty described two particular forms of torture to the UK delegation: -

Tying - A penalty given for going AWOL and other misdemeanours. The person is tied up and left in the sun with hands tied behind the back of raised legs. Lack of circulation and associated reasons can lead to the need for amputation in extreme cases. This is known to have been a widespread form of torture under the Menghistu regime.

Helicopter - The person is hung upside down, with legs over a pole and then beaten on the feet. This is another form of torture practiced during the Menghistu regime.

[5]

6.13 There are also reports that others who have committed misdemeanours are kept in labour camps. According to reports there seems no purpose to the work that is done in these places. Prisoners are required to do such things as moving rocks from one place to another as opposed to repairing roads or producing a product. [5]

6.14 Whilst unable to comment on the scale Dr Gilkes noted that there were certainly several reports of people tortured in Asab, as well as reports of beatings in the military and in prisons. [5]

FREEDOM OF SPEECH & OF THE MEDIA

The media

6.15 The Constitution provides for freedom of speech and of the Press but the Government in practice, restricts these rights. [4] The Press Law (enacted in June 1996, Proclamation no.90/96) allowed private newspapers to operate alongside the government-owned print media for the first time. It did not permit privately owned radio or television to compete with the government's broadcasting services. It guarantees freedom of the print media and prohibits censorship except under special circumstances such as threats to public order or national security. The press, according to the law's definition of its objectives and functions (Article 2), "serves society by disseminating political, social, economic and other information", "respects human rights and liberties and defends them", "works for unity, peace and stability and the development of democratic practice and culture", "works to realize national objectives, rectify the operation of government and develop public control and constructive criticism by affording

opportunity for diversity of opinion in national matters and contributing to the clarification of ideas helpful to the organs of government in seeking solutions". [7e]

6.16 The private press took up the challenge and by 2000, eight weekly Tigrinya-language newspapers had been opened and had developed a substantial readership. Although the journalists were mainly untrained, the professionalism and standards of the newspapers developed steadily. A new course in journalism was started at the University of Asmara, its first graduates being pressed to work in the Ministry of Information as part of their national service. The US embassy began professional training courses for print journalists, which were attended by staff from both the privately owned and government media. [7e]

6.17 However, the Press Law also imposed tight restrictions on press freedoms. Newspapers must be officially registered and owned by Eritreans only. People who are "prohibited from establishing political associations", "deprived of their political rights" and who "oppose the principle of national unity or advocate for division or disintegration" are banned from owning newspapers. Publishing articles from foreign publications requires official permission. [7e]

6.18 All newspapers must obtain a licence from the Ministry of Information (MOL) before publication. All reporters must register with the MOL. The Government has the authority to punish those who publish material that it considers insults or abuses the Government or that contravenes public morality. [6a]

6.19 Journalists from Eritrea's eleven independent newspapers formed an establishing committee in late 1999 to form an independent journalists' organisation. They applied to the Ministry of Local Government for a licence but the Government refused a licence and the group had not been formed to date. [6a]

6.20 The Government is thought by many to use the libel law to intimidate journalists. In 1999 a newspaper editor was arrested for refusing to divulge the source of an article. He has since been rearrested and further charges made and dropped. Some charges remain pending but the trial has been indefinitely suspended as the editor has been inducted into the army. The editor in chief of the independent newspaper Kastedebana has been charged in seven libel cases, but the cases were suspended pending the editor's return from a sentence for hard labour on another matter. In August 2000 the Government arrested and detained for a day the editor of an independent newspaper allegedly for having expired leave papers. In October 2000 officials from the Ministry of Defence detained eight journalists apparently to check their draft status. However observers believe they were detained because their newspaper had been calling for access to National Assembly elections. Six were reported to have been released and two others inducted into the military to fulfil national service obligations. [6a]

6.21 Some journalists have alleged they were targeted unfairly for the draft. Some have complained of routine harassment by individuals they believe work for the Government, claiming to have received threatening telephone calls and alleging that unidentified individuals showed up at their offices and threatened them. [6a]

6.22 In September 2001 the Government closed eight privately run newspapers (at the same time as the G-15 arrests) stating that they had been "suspended temporarily" and would be allowed to reopen "once they learned to abide by Eritrean press laws". [21f] Over the days following the G-15 arrests, the police arrested 10 leading journalists. [10h][7e]

6.23 Dozens of other government critics - civil servants, businesspeople, journalists, former liberation movement fighters, and elders who had sought to mediate between the government and its critics - have been arrested since September 2001. [7e]

The 10 journalists detained in September 2001

Said Abdulkadir	Chief editor and founder of the newspaper, <i>Admas</i> ; also employee of the Ministry of Information's Arabic-language newspaper, <i>Haddas Eritrea</i> ; aged 34.
Yosuf Mohamed Ali	Chief editor of the newspaper, <i>Tsigenay</i> ; business studies graduate; aged 45.
Amanuel Asrat	Chief editor of the newspaper, <i>Zemen</i> ("Time"); EPLF member since the 1970s.
Temesgen Gebreyesus	Sports reporter on the newspaper, <i>Keste Debena</i> ("Rainbow"); amateur actor; aged 36.

Mattewos Habteab	Editor of the newspaper, <i>Meqaleh</i> ("Echo"); mathematics graduate, University of Asmara; aged 30.
Dawit Habtemichael	Assistant chief editor and co-founder of the newspaper, <i>Meqaleh</i> ; physics graduate, University of Asmara; full-time science teacher employed by the Ministry of Education; aged 30.
Medhanie Haile	Assistant chief editor and co-founder of the newspaper, <i>Keste Debena</i> ; law graduate, University of Asmara; full-time employee of the Ministry of Justice; aged 33.
Dawit Isaac	Editor and co-owner of the newspaper, <i>Setit</i> ; dual Eritrean and Swedish citizen as a result of being granted asylum in Sweden in the 1980s; education graduate; writer and theatre producer; aged 38.
Seyoum Tsehaye	Freelance photographer; French language graduate and former French teacher; EPLF veteran since the 1970s; former director of Eritrean state television in the early 1990s; aged 49.
Fessaye Yohannes ("Joshua")	Reporter and co-founder of the newspaper, <i>Setit</i> ; EPLF veteran since 1977; poet and director of an amateur cultural dance group; studied in the United Kingdom (UK) in 2000; aged 46.

[7e]

6.24 On 31 March 2002 the journalists began a hunger strike, demanding a fair trial before an independent court if they were charged with breaking the law, or their release. The authorities allegedly refused them water. Three days later, as the hunger-strike began to attract international attention and protests, nine of the ten were moved from the 1st Police Station in Asmara to undisclosed places of detention. Dawit Isaac, who had recently undergone medical surgery, was taken under guard to a hospital in Asmara, but nothing has been heard of him since. The outcome of the hunger strike is not known and nothing has been heard of the nine other journalists since, from government or unofficial sources. [7e]

6.25 A year after their arrests, these 10 journalists remain in arbitrary and incommunicado detention without charge or trial. By September 2002, the parliamentary committee has not delivered any report, and the private press remains banned. No charges have been specified against any of the journalists. Officials have at times indicated that they might be charged with receiving foreign funding, e.g. for computers, but otherwise they could be subject to vague and ill-defined criminal offences. The independence of the judiciary has yet to be tested in any case involving media freedom issues, as there have been no press trials to date. [7e]

6.26 None of those detained had been taken to court or charged with any offence. They have been denied all access to the outside world, including their families, and there are serious concerns for their health. The authorities have not provided the detainees' families with formal notification of the detentions or the detainees' whereabouts. In some cases they have refused to acknowledge that the detainees are being held in custody, giving rise to fears for their safety. [7e]

6.27 Officials for the Eritrean Government insist that the journalists are traitors and defeatists, but say that the delay in the trial was a matter for the legal system. Before closure the private press had published interviews with dissidents, and before being closed down it was seen by many as a forum for public debate on the state of the nation. [10i] Bank accounts and other assets of those arrested have been reportedly frozen in a move that the Committee to Protect Journalists (CPJ) considered to be motivated by political anxiety ahead of the (later postponed) December 2001 elections. [26b]

6.28 Since September 2001, the Government has controlled all non-religious media, including three newspapers, one radio station, one television station, and one of only two newspaper printing presses in the country. There were no private radio or television stations, and after September 2001, there were no private, non-religious newspapers. The Government had the authority to ban the import of any foreign publication, although it had not done so. Some Western periodicals were available regularly at several bookshops and from street vendors in Asmara. The press law forbids the local reprinting of articles from banned publications. The Government continues to restrict the right of the religious media to comment on politics or government policies. [6d]

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

reporters were foreigners. [6d]

6.30 The arrests of journalists continued during 2002. In January and February, four journalists were arrested and remained detained. Three were working for the Arabic section of the official government media. The fourth, previously a reporter for an independent newspaper that was closed in 2001, was detained trying to leave the country. Observers report that nearly all reporters and editors of the independent press had either fled the country or been detained. [6d]

6.31 Currently all TV and radio stations are government owned and controlled, as is the only newspaper. Internet access is very limited and is predominantly restricted to Asmara. It is believed that emails are monitored. [5]

Non-media criticism

6.32 In October 2000, Eritrean professionals and academics met in Berlin, Germany, and wrote a letter to President Issayas Afewerki, since known as the "Berlin Manifesto", about the "political and economic challenges that confront us as a new nation". The group, most of them from abroad, said that the government had "lagged behind in the development of democratic institutions, including mechanisms for ensuring accountability and transparency." The letter complained that civil society had become alienated and that the collective leadership of the EPLF had been "abandoned and replaced by one-man leadership". It cited the "absence of freedom of expression which has prevented the citizens from exercising their rightful duties of restraining the undue accumulation of power in the presidency." In the letter, the group criticised the Special Court, established outside the normal judicial system, for "...undermining the rule of law and creating disaffection... People have been languishing in jail for many years without being formally charged with any crime." The letter ended with a call for open debate. [7e]

6.33 PFDJ officials and members of the government reacted vigorously to the criticisms in the "Berlin Manifesto". Editors from the independent press were arrested to prevent them from publishing it. Nevertheless the criticisms persisted. [7e]

6.34 In May 2001 a dissident group at the centre of the PFDJ, dissatisfied with the responses to previous private complaints addressed to President Issayas Afewerki and the PFDJ, publicly expressed strong criticisms of the President. This group, known as the "Group of 15" or "G-15", issued an open letter to PFDJ members, which was reported and widely commented on in the increasingly assertive independent press. The authors of the letter said it was "a call for correction, a call for peaceful and democratic dialogue, a call for strengthening and consolidation, a call for unity, a call for the rule of law and for justice, through peaceful and legal ways and means." Government critics gave interviews to the private press, including criticising the government's conduct of the war and the peace talks, which were disseminated on the new internet websites set up by the opposition abroad.

6.35 The government and the PFDJ responded through the state media and websites, branding the G15 authors as "defeatist" and accused them of disloyalty during the 1998-2000 war and the peace talks. Journalists were again arrested and harassed, and some of them fled the country. Accusations have been made by the government against the G15 and recently formed political parties and human rights groups that broadly support the G15's call for democratic reform, of conspiring with the AENF opposition to overthrow the government, an accusation they have denied. [7e]

Student protests

6.36 On 31 July 2001, Semere Kesete Negasi, the student union president at the University of Asmara, made a speech at the graduation ceremony criticising the government. In particular, he attacked a compulsory student vacation work program under the national service regulations, and he also complained of government interference with the university. He was arrested shortly afterwards. On 11 August 2001, a habeas corpus application was made to the High Court for the authorities to produce him in court and justify his detention. Hundreds of students demonstrated outside the court. The President of the High Court (also Chief Justice) ordered the police to produce him but the police requested more time. The Chief Justice was shortly afterwards dismissed. [7e][10o]

6.37 The police arrested about 400 students outside the court and detained them for about 30 hours in Asmara stadium in the open air and rain. The security forces turned water hoses on parents who gathered to protest at the detentions and at being denied access to them. The students were then transported at gunpoint to Wia army

camp near Massawa. Many were severely beaten for continuing to protest at their detention. They were made to work at the makeshift camp, alongside more than 3,000 other students who had opted for the vacation work program. As punishment, these 400 students were reportedly given no food for the first three days, only water and sugar, and only milk in the week following. Throughout their stay at Wia camp and later at the nearby Galaalo camp, they had to work in harsh conditions and extreme heat, building roads and moving heavy stones. Two of the students died from heat stroke. [7e]

6.38 The government said that it regretted the deaths, but no investigation was known to have been carried out nor steps taken to improve conditions. Most of the students were held for about three months, with no family visits allowed. The last five to be released in November 2001 were student union officials and leaders of the protest. [7e]

6.39 Semere Kesete continued to be detained incommunicado in an undisclosed prison, unlawfully and without charge or trial until early August 2002, he escaped to Ethiopia. In an interview with the Voice of America (VOA) radio station on 8 August 2002, he said that he had been held in a maximum-security unit of the 6th Police Station in Asmara. For the first two weeks of his imprisonment his hands were chained behind his back. He said he was held for most of the time in a small dark cell in solitary confinement with no one speaking to him. After some months he was allowed to sit outside in the open air for short periods. He had no contact with the outside world. He reported that other prisoners had been held there for several years in the same conditions. [7e]

FREEDOM OF RELIGION

6.40 The Constitution provides for freedom of religion, but the Government restricts this right in practice. Unlike in some previous years, in 2001 there was no evidence that the Government discouraged proselytising by members of one faith amongst members of another. [4][6a][6b]

6.41 The PFDJ administration has stated its opposition to the formation of any religious or ethnic-based political party. A 1995 proclamation bans religious organisations from involvement in politics and restricts the religious media from commenting on political matters. [6a][8]

6.42 The Government informed religious organisations in 1998 that religiously funded schools providing general education would be incorporated into the state education system. No action has been taken to implement this decision because of the outbreak of border hostilities with Ethiopia in mid-1998. According to officials in the Religious Affairs Office the Government is expected to allow religious schools to operate independently provided they follow a standard curriculum. [6a][6b]

Religious groups

6.43 The Constitution provides for freedom of religion, but the Government has restricted this right in practice with regards to members of the Jehovah's Witness faith. There is no requirement to register a religious group with the state, however the state owns all land, so all religious organisations that seek facilities for worship other than homes must seek the approval of the government to gain such premises or land. There are however no reports of the government refusing such an application. [6b]

6.44 The government prohibits political activity by religious groups, and the Government's Directorate of Religious Affairs in the Ministry of Local Government monitors religious compliance with this proscription against political activity. [6a]

6.45 Although reliable statistics are not available, approximately 50 percent of the population are Sunni Muslim, and approximately 40 percent are Orthodox Christian. The population also includes a small number of Eastern Rite and Roman Catholics (5 percent), Protestants (2 percent), smaller numbers of Seventh-Day Adventists, and fewer than 1,500 members of Jehovah's Witnesses. A small minority, perhaps 2 percent, practices traditional indigenous religions. Also present in very small numbers are practising Buddhists, Hindus, and Baha'is. Generally the population in the eastern and western lowlands predominantly is Muslim and in the highlands predominantly is Christian. There are very few atheists. Religious participation is high among all groups. [6b]

6.46 Within the country's geographic, ethnic, and political concentrations, the majority of members of the Tigrinya ethnic group are Orthodox Christian, with the exception of the Djiberti Tigrinya, who are Muslim. The majority of the Tigre, Saho, Nara, Afar, Rashaida, Beja, and Blen ethnic groups are Muslim. A majority of the Kunama are Roman Catholics or Muslims, and some practice traditional indigenous religions. Approximately 40 percent of the Blen are Christian, the majority of whom are Catholic. The central and southern highland areas, which generally are more economically developed than the lowlands, predominantly are populated by Christian Tigrinyas and also some Muslim Djiberti and Saho. The Afar and Rashaida ethnic groups, and some of the Saho and Tigre ethnic groups, live in the eastern lowlands. The Blen live on the border between the western lowlands and the central highlands and are concentrated in the Keren area, which also includes a significant minority of Tigre and Tigrinya speakers. The Beja, Kunama, Nara, and the majority of Tigre live in the western lowlands. [6b]

6.47 Co-operation between the main faiths in Eritrea is high and reflects what is generally a cordial relationship between religious beliefs. Church leaders routinely meet and engage in continual efforts to foster understanding and co-operation between the religions. Leaders of the main four religions in Eritrea, Orthodox Christian, Catholic, Islamic and Protestant are widely perceived to enjoy excellent inter-faith relations. [6b]

6.48 In 1999 the leaders of these main four faiths created an organisation to help Eritrean expellees, Eritrean displaced by the war, and other needy persons in the country. This organisation called Good Deeds in Unity works with the government relief agency the Eritrean Relief and Refugee Affairs Commission on many projects. [6b]

6.49 Citizens generally are very tolerant of one another in the practice of their religion. Mosques and Christian churches of all orders coexist throughout the country, although Islam tends to predominate in the lowlands and Christianity in the highlands. In Asmara Christian and Muslim holidays are respected by all religions. Some holidays are celebrated jointly. [6b]

6.50 According to officials in the Religious Affairs Office, the Government allows religious schools to operate independently as long as they adhere to a standard curriculum. There are no chaplains in the military; however, military personnel are free to worship at nearby houses of worship. [6b]

6.51 The Sawa military training establishment is not only secular, but also it is the accepted practice in operation there to mix religions and races of the military trainees. This is so that squad members have to rely on people who are of differing religions and races but who above all are Eritreans. [5]

6.52 In 2001 the Government began closing "Pente" facilities ("Pentes" include Born Again Christians, Pentecostals, Full Gospel, and other smaller Protestant groups). Following a May 2002 government decree that all religious groups must register or cease all religious activities, all religious facilities not belonging to the Orthodox Christian, Muslim, Catholic, or Evangelical Christian faiths were closed. The Authorities also informed "Pente" groups that a standing law would be used to stop political or other gatherings in private homes of more than five persons; however, there were no reports that the standing law has yet been enforced. [6b]

6.53 The minority sects that were effectively closed in August were, suspected of being externally funded, mainly from the USA and Western Europe, a view supported by the amount of money that they seemed to have at their disposal. Large meetings were held at top hotels including the Intercontinental, the most expensive in the country. No local or regional group could afford to do this. [5]

Christians

6.54 Most Christians adhere to the Orthodox Church but there are also Roman Catholic and Protestant communities. At the end of 1997 there were an estimated 130,889 adherents of the Roman Catholic Church in Eritrea. [1][2][6b]

6.55 The separation of the Eritrean Orthodox Church from the Ethiopian Orthodox Church was agreed in September 1993, shortly after Eritrea formally achieved independence from Ethiopia. [1][2][3]

Jehovah's Witnesses

6.56 The Government has continued to harass, detain, and discriminate against members of the small community (estimated 1,500) of Jehovah's Witnesses in Eritrea. Societal attitudes toward Jehovah's Witnesses are the exception to the widespread religious tolerance seen in Eritrea. 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. Since 1993 things have deteriorated further. [1][6a][6b]

6.57 In 1994 in accordance with a presidential decree, the Government revoked the trading licenses of some members of Jehovah's Witnesses and dismissed most of those of the faith that worked in the civil service. This governmental action resulted in economic, employment, and travel difficulties for many members of Jehovah's Witnesses, especially former civil servants and businessmen. [6b]

6.58 In April 1997, the Government labour office issued a form to all employers in Asmara and the surrounding area requesting information on any government personnel who were members of Jehovah's Witnesses. In addition to these measures, members of Jehovah's Witnesses also often are denied identification cards, passports, exit visas, trading licenses, and government housing unless they hide their religion. [6b]

6.59 In 1998 several members of Jehovah's Witnesses were arrested for failure to comply with national service laws and some were tried, although there is no information available regarding the verdicts or sentences in these cases. At the end of 2001, four members of Jehovah's Witnesses remained in detention without charge and without being tried for failing to participate in national service. These individuals have been detained for varying periods of time, some for more than 5 years, without charge. [6b]

6.60 The Ministry of Justice denies that any Jehovah's Witnesses were held without charge but acknowledges that some are in jail for convictions on charges of evading national service. In 1998 several members of the Jehovah's Witnesses were arrested for failing to comply with the National Service Law and some were tried. There is no information available on the verdicts or sentences in these cases. At the end of 2001 approximately five Jehovah's Witnesses remained in detention without being tried or charged some for more than five years for failing to perform national service. The maximum penalty for refusing to perform national service is three years. Officials have denied that any members of Jehovah's Witnesses are being held without charge whilst admitting that some (in addition to some Muslims) are in jail following conviction for evading national service. The army has resorted to various forms of extreme physical punishment to force objectors to undertake military service. [1][6a]

6.61 There have not been any reports that Jehovah's Witnesses who performed national service and participated in the national independence referendum were subject to discrimination. There is no indication that any persons are detained or imprisoned solely because of their religious beliefs or practices; however, the Government has singled out members of Jehovah's Witnesses for harsher treatment than that received by members of other faiths for similar actions. There were no confirmed reports of Jehovah's Witness arrests during 2001. [2][6a][6b]

6.62 Human Rights Watch report that four Jehovah's Witnesses are still imprisoned after more than five years without charge or trial for refusing to participate in the national service program, even though the maximum penalty for refusal to serve is three years. [32b]

6.63 The procedures for becoming a recognised Jehovah's Witness are strict and difficult. Before they are baptised into the faith, a person has to prove their knowledge and devotion. Only those baptised and possessing the correct knowledge are considered as Witnesses. An attendee is not considered to be anything. Anyone can attend a witness event but that does not make the person a Jehovah's Witness. [5]

6.64 Over a number of months the Witness applicant will often without warning be asked to visit a group of noted Witnesses. Often these are Elders and generally three people will be present. Here they will be extensively tested on their knowledge and thus their acceptability to the faith. Many describe this process as being the hardest but most rewarding experience of their lives. [5]

6.65 There are no Kingdom Halls (places of worship for the Jehovah's Witnesses) in Eritrea, nor have there been any since independence. The government owns all land and as they do not recognise the faith it can not get permission to set up Kingdom Halls. Worship 'underground' is illegal also. Meetings that are not sanctioned are not allowed to involve more than 5 persons. There exists an Eritrean Council of Elders but the branch office is in Nairobi (Kenya) and has been for many years. All witnesses in Eritrea know this. It is basic knowledge even to

attendees. [5]

6.66 While there are only around 1,500 Jehovah's Witnesses in Eritrea, there are more than 6,000 members of Jehovah's Witnesses in Ethiopia. The Ethiopian Government has continually maintained its policy of not deporting members of Jehovah's Witnesses of Eritrean origin, who might face religious repression in Eritrea. [6c]

Islam

6.67 Some Muslims have objected to universal national service because of the requirement that women perform military duty. The Government does not excuse individuals who object to national service for religious reasons or reasons of conscience, nor does the Government allow alternative service. Although persons from other religious groups, including Muslims, reportedly have been punished in past years for failure to participate in national service, only members of Jehovah's Witnesses have been subject to dismissal from the civil service, had their trading licenses revoked, been evicted from government-owned housing, and been denied passports, identity cards, and exit visas. [6b]

6.68 Clashes between Government forces and Muslim fighters of the Sudan-based military wing of the Eritrean Islamic Salvation (EIS) have taken place along the border with Sudan since 1993, [1][2] which have led the Government to restrict travel along much of the border. The EIS occasionally lays mines, leading to additional travel restrictions. [6a]

FREEDOM OF ASSEMBLY AND ASSOCIATION

6.69 The Eritrean administration is dominated by the PFDJ, the sole legal political party. There are no legal opposition political parties. The Government has stated its belief that public education, demobilisation of the armed forces and institutional structures are needed before multi-party democracy can be established. Although the new Constitution came into force in May 1998 the Government has still not fulfilled its commitment in the Constitution to move towards a democratically elected government. Elections that should have been held in 1997 were postponed to 1998 and then, with the outbreak of the border conflict with Ethiopia in 1998, postponed indefinitely. During 2000 the Government established two committees to develop guidelines and rules for new elections and the formation of political parties. National Assembly elections are scheduled to take place in 2001. [4][6a]

6.70 The Constitution provides for freedom of assembly and the Government respects this right in practice. [4] A permit from the Ministry of Local Government is required for a public meeting or demonstration. Permits are, in general, granted freely for non-political meetings or gatherings and there were no reports in 2000 or 2001 that permits for political demonstrations were denied. [6a]

6.71 The Constitution also provides for freedom of association and states that every citizen has the right to form organisations for political ends. [4] The Government has still not allowed the formation of any legal opposition parties although in 2000 it established two committees to set this in motion. It has also stated its opposition to the formation of religious or ethnic-based parties on the grounds that their formation may exacerbate religious and ethnic differences. [6a]

POLITICAL ACTIVISTS

Political opposition

6.72 Eritrea's new Constitution (1997) allowed for the formation of multiple political parties, but the democratisation process was postponed during the 1998-2000 war. No date has yet been set for the formation of political parties, other than the ruling Peoples Front for Democracy and Justice (PFDJ). As yet there have not been elections to the National Assembly. Opposition groups are not allowed within Eritrea but receive some support from within the Eritrean Diaspora (Eritreans abroad) that has developed over several decades as

refugees fled from persecution by the Ethiopian government. The diverse opposition includes new political groups formed in exile and the opposition Alliance of Eritrean National Forces (AENF), which is centred on the ELF and contains armed political groups having close links to Ethiopia during and since the 1998-2000 war. [7e]

6.73 In December 1996 there were a number of political assassinations, including the ELF's former commanding officer, Abubekar Al-Hussein, and a former military commander of the radical armed Islamist group the Eritrean Islamic Jihad (EIJ). The Government blamed most of these incidents on the EIJ but some speculated that pro-Government elements involved in internal disputes might have been responsible. The killings were also linked to anti-corruption investigations in which PFDJ members were found guilty of involvement in smuggling activities. [1]

6.74 Opposition to the PFDJ Government continues however, mainly from disaffected Eritreans resident abroad. Radio broadcasts on the clandestine 'Voice of Free Eritrea' radio station, apparently broadcasting from Sudan from late 1997, claimed to represent the Eritrean National Alliance, a group of Eritrean opposition organisations formed in Khartoum in late 1996. [1]

6.75 Following the outbreak of the border conflict with Ethiopia in 1998, Sudan took advantage of the fighting to resolve differences with Ethiopia at Eritrea's expense. Relations between Sudan and Eritrea had been tense since early 1993, when members of the EIJ's military wing entered Eritrea from Sudan. Both countries subsequently accused the other of harbouring opposition groups. Further attacks by the EIJ against targets in Eritrea took place in 1995. Clashes took place along the border between Eritrean and Sudanese troops in 1997 when tension was particularly high. Ten Eritrean opposition groups based in Khartoum launched the Alliance of Eritrean National Forces (AENF) in March 1999. The AENF announced that it would form an Eritrean Government in exile. The AENF has been dismissed as a creation of Sudan and Ethiopia. By mid-1999 Sudan had indicated its willingness to improve relations with Eritrea and in May 1999 President Issayas and his Sudanese counterpart signed a reconciliation agreement. [1][2]

6.76 In April 2002 it was reported that Mohamed Osman Idris an exiled Eritrean politician living in Sudan had been gunned down by unknown persons in at his home in Wad Sherifi village near the Sudanese-Eritrean border. [33]

Democratic elections

6.77 The effective illegality of other political groups has operated since the Eritrean People's Liberation Front (EPLF) took power in 1991. In early 2002 the National Assembly, in its first meeting since September 2002, declared that it had decided not to allow the formation of parties. It declared that they are not needed or wanted although the principle of forming political parties was "acceptable". No election date has yet been set after the proposed December 2001 elections were cancelled at the last minute. However at the National Assembly the draft Election Law was ratified and did reiterate that when held 30% of the total number of seats in the legislative assembly will be reserved for women. "Traitors" are excluded from the right to elect and be elected and political activity by religious groups is banned. [6b]

6.78 It is difficult to see any serious opposition to the ruling PFDJ, as they would have no chance to organise. The Government opinion, in light of the current border situation, is that the time is not right for divisive political activity but, instead, believes that the people should be united. All individuals, who have views differing from the Government, either keep quiet, are in detention or reside outside the country. [5]

6.79 Yemane Gebremeskel, Director of the Office of the President, believes that elections could happen as early as summer 2003, and was at pains to point out to the UK delegation in November 2002, that regional elections were taking place. He stated that although elections were unlikely to be based on differing political parties, there would be openings for independents (that is people who were not of the PFDJ party) to stand for office. What would not be allowed were divisive politics, as Eritrea has had enough conflict for now and wanted to focus on unity. Party based elections could come later. [5]

The G-15 group

6.80 In response to increasing criticisms and opposition to the President and to the latest G-15 letter detailing "obstacles to reform", the security authorities detained 11 members of the group in Asmara on 18 September 2001. Four members escaped arrest: three were out of the country and one withdrew his support for the group.

[7e]

6.81 The 11 were all members of the Central Committee of the PFDJ and had been senior EPLF military or political leaders during the liberation struggle. They included three former Foreign Ministers - Haile Woldetsensae, Mahmoud Ahmed Sheriffo (who was later Vice-President) and Petros Solomon, Aster Fissehatsion, a prominent woman EPLF leader, and three army generals. As Central Committee members, they automatically became members of the first National Assembly under the 1997 Constitution and should therefore have enjoyed parliamentary immunity from arrest. The National Assembly, however, declared on 4 February 2002 that "by committing such a crime, defeatism, they have removed themselves from the National Assembly". Some had been co-founders and leading members of the EPLF since the 1970s, subsequently being appointed government ministers following independence, although all had been dismissed from their posts by the time of their arrests.

[7e]

6.82 None of the eleven has been brought to court or formally charged with an offence, although the Constitution and the Penal Code require that detainees should be charged before a court or released within 48 hours of arrest. The maximum period for holding a suspect for investigation is 28 days. No lawyer, however, has dared to bring a habeas corpus action to challenge the detentions and to demand that the authorities produce the detainees in court. [7e]

6.83 The government said the eleven "had committed crimes against the sovereignty, security and peace of the nation". In February 2002 the National Assembly "strongly condemned them for the crimes they committed against the people and their country". It was claimed that the G-15 had committed treason during the war with Ethiopia. Although no death penalty has been carried out in Eritrea since independence, treason is a capital offence. [7e]

The 11 "G15" detainees

Ogbe Abraha	Army General; formerly Chief of Staff of the Defence Force, Minister of Trade and Industry, and Minister of Labour and Social Welfare.
Aster Fissehatsion	Director in the Ministry of Labour and Social Affairs; executive member of the official National Union of Eritrean Women; EPLF official since 1977; former wife of Mahmoud Ahmed Sheriffo, also detained in September 2001.
Berhane Gebregziabeher	Army Major-General; head of the National Reserve Force; EPLF political bureau member since 1977.
Beraki Gebreselassie	Former Ambassador to Germany (to May 2001); previously Minister of Education and Minister of Information and Culture.
Hamad Hamid Hamad	Head of the Arabic (Middle East) Department in the Ministry of Foreign Affairs; former Ambassador to Sudan.
Saleh Kekiya	Former Minister of Transport and Communication, Vice-Minister of Foreign Affairs and Head of the Office of the President.
Germano Nati	Regional Administrator.
Estifanos Seyoum	Army Brigadier General; former Head of the Inland Revenue Service (to August 2001).
Mahmoud Ahmed Sheriffo	Former Vice-President (dismissed in February 2001), Minister of Local Government, and Minister of Foreign Affairs; EPLF co-founder.
Petros Solomon	Former Minister of Maritime Resources; previously Minister of Foreign Affairs, EPLF military commander and intelligence chief, EPLF political bureau member since 1977.
Haile Woldetsensae (or Weldensae, also known as "Durue")	Former Minister of Trade and Industry (until July 2001); previously Minister of Foreign Affairs during the war and the peace talks, and also Minister of Finance; former EPLF head of political affairs and political bureau member since 1977.

[7e]

6.84 In early May 2002 Roma Gebremichael, the wife of one of the G-15 detainees, Haile Woldetsensae, was arrested. She too has since been detained without charge or trial and incommunicado. She was reportedly arrested for assisting her son, a university student detained in 2001 and subject to national service, to flee the country, and also for her own criticisms of the government. Previously an EPLF fighter, she worked in a bookshop

in Asmara. In June 2002 she reportedly became seriously ill in detention and was transferred to hospital under guard. [7e]

6.85 In the months following and through 2002 to the time of the Amnesty report, it is reported that dozens of other people have been detained by the security police for supporting views expressed in the G-15 open letter and in some cases for criticising the G-15 detentions. Amnesty does admit however that these claims are largely unconfirmed. Some elders have reportedly been detained after trying to mediate between the government and its critics. Arrests also have in many cases been difficult to confirm. [7e]

6.86 While there is quiet support for the G-15, nobody really seems sure of what they stood for. People have read about them when there was an independent press and they are connected to the wish for greater democracy, which has stirred interest in itself. However there is no evidence of a reform movement based on the beliefs and policies of the G-15. No such organisation exists in Eritrea. [5]

Supporters of Ethiopian DERG regime

6.87 Amnesty International has reported that some 120 officials of the former Ethiopian Derg regime convicted of human rights violations were serving prison sentences of up to 15 years imposed for human rights abuses following trials that Amnesty considers secret and unfair. [7b]

Supporters of ELF and ELF-RC

6.88 In 1987 the EPLF, uniting with an Eritrean Liberation Front (ELF) faction, agreed a policy objective of creating a multi-party democratic system in a future independent state. At independence in 1991 when the victorious EPLF formed the Provisional Government of Eritrea, there was no reconciliation between the ruling EPLF and the ELF rivals. [7e] However, ELF members were allowed to return to Eritrea as individuals and on condition that they renounced opposition for a government of union prior to the official creation of opposition parties due for 1998 (interrupted by war with Ethiopia). [6a][7e]

6.89 Some ELF members complied, such as the Eritrean Liberation Front-Unified Organisation (ELF-UO), whose leaders were given government and military posts. Others, such as the Eritrean Liberation Front-Revolutionary Council (ELF-RC), remained in opposition - many launching a new armed struggle from bases in Sudan, others engaging solely in political opposition in exile. [7e]

6.90 The ELF factions maintain that hundreds of political prisoners have remain in detention. Twenty-six members of the ELF-RC were detained in Ethiopia in 1994 and other ELF-RC members were reportedly returned forcibly to Eritrea. [1][2]

6.91 There were unconfirmed reports in 2001 that the Government continued to hold numerous members of the armed opposition group ELF. [6a]

6.92 During the second session of the Revolutionary Council, held between August 11th and August 18th, 2002, Seyoum Ogbamichael has replaced Ahmed Nasser as chairman of the Eritrean Liberation Front-Revolutionary Council (ELF-RC). Ahmed Nasser is now in charge of a newly created office called the Unity Affairs Office. Ibrahim Mohammed Ali who held the position of the chairman, before Ahmed Nasser, has now been elected to the position of Spokesperson for the ELF-RC, a position formerly held by Dr. Habte Tesfamariam. [38]

6.93 The organisation is still active in exile, mainly in Sudan and Ethiopia and the government's reaction to returning members of ELF or ELF-RC will depend on the position held in the organisations and the type of activity undertaken. [6a][13] Those who had been responsible for anything that could be interpreted as terrorism or violence may be likely to come to the attention of the authorities. [6a]

6.94 ELF members have been encouraged by the government to return to Eritrea and have apparently not faced repercussions for their past activities. All of those that have returned are thought to have renounced further opposition activities in favour of unity through the EPLF/PFDJ. [5]

6.95 Although the ELF are quiet and are seen as largely irrelevant in Eritrea, it is believed that there may still be some active members of the ELF factions in Eritrea, especially on the Sudanese border or in the north of the

country. They do not openly conduct opposition activities and a view was expressed in Eritrea to the UK fact-finding mission in November 2002 that many Eritreans feel that the various branches around the world exist only to make themselves money. [5]

Supporters of the EIJ

6.96 The EIJ has supporters in the western lowlands. Many doubt if this group could not operate in the manner they do without such support. This group had previously attacked Muslim citizens who support the Government though such incidents have decreased since the war with Ethiopia; mines were however still being laid in the region. [5]

EMPLOYMENT RIGHTS

6.97 Some government policies restrict free association or prevent the formation of unions, including within the civil service, the military, the police, and other essential services. The Ministry of Labour must grant special approval for groups of 20 or fewer persons seeking to form a union. There were no reports that the Government opposed the formation of any labour associations during the year. [6a]

6.98 Proclamation 8 provides workers with the legal right to form unions and to strike to protect their interests. The National Confederation of Eritrean Workers (NCEW), which was part of the EPLF during the war, maintains a close affiliation with the Government, and its leadership consists of high-ranking PFDJ members. The NCEW represents more than 25,000 workers from 250 unions and receives some assistance from the International Labour Organisation (ILO) and foreign labour organisations. The largest union within the NCEW is the Textile, Leather, and Shoe Federation. There were no major strikes reported during the year. [6a]

6.99 Unions may affiliate internationally, and all five workers' federations within the NCEW maintained affiliations with international unions during the year. [6a]

PEOPLE TRAFFICKING

6.100 The law does not specifically prohibit trafficking in persons; however, there were no reports that such trafficking occurred to, from, or within the country. [6a]

FREEDOM OF MOVEMENT

6.101 The Constitution provides for the rights of free movement and emigration. [4] Citizens may, in general, choose where they live and travel freely. Citizens are generally free to travel outside Eritrea, although there have been cases in which Jehovah's Witnesses, officials of the former Ethiopian Mengistu regime and those who have not completed national service have been denied passports or visas. Also, since the border conflict with Ethiopia began in 1998 the Government has increasingly denied exit visas to young people, apparently because they have been approaching the age of eligibility for national service. Citizens, in general, have the right of return although instances in which citizens living abroad have been declared ineligible for asylum in other countries are considered on a case-by-case basis. In addition returning Eritreans may be required to show proof that they have paid a two percent tax on their annual income while abroad to the Government of Eritrea in order to receive government services on their return. [6a]

6.102 As many as 75,000 ethnic Eritreans have been deported from Ethiopia since the border conflict began in 1998. The Eritrean Relief and Refugee Commission gives deportees resettlement grants. The deportees were placed with relatives or temporarily in camps with other internally displaced persons. Deportees are initially given temporary documentation, which is converted to full citizenship documentation, if the deportees can find three

witnesses to testify to their Eritrean ties. The small minority of citizens who cannot demonstrate Eritrean ties are allowed to stay but are given documentation which identifies them as deportees. At times these deportees have been subject to harassment and detention by military authorities. Deportees of military age who acknowledged Eritrean citizenship were ordered to report for military service. [6a][29]

6.103 While citizens can travel freely within the country and change their place of residence and work, authorities restrict freedom of movement and emigration in practice. The Government requires all citizens to carry national identification cards, which they must present on demand at security checkpoints. The Government has restricted travel to some areas within the country for security reasons. [6a]

6.104 It is estimated that about 1.1 million citizens have been displaced internally as a result of the conflict with Ethiopia. At the end of 2000 approximately 243,000 remained inside camps and 100,000 outside camps. Camp conditions are basic but generally adequate. [6a]

6B. HUMAN RIGHTS - SPECIFIC GROUPS

Part I

Part II

Part III

6B. HUMAN RIGHTS: SPECIFIC GROUPS

ETHNIC GROUPS

[A map of Eritrea showing distribution of ethnic groups is annexed as source document 11]

6.105 The Constitution prohibits discrimination on the grounds of race, ethnic origin, colour or language. [4] The PFDJ discourages political movements based on ethnic or religious groups as it fears that they could exacerbate ethnic and religious differences. [6a] The population is divided fairly evenly between Tigrinya speaking Christians who traditionally occupy the highlands and the Muslim communities of the western lowlands, northern highlands and east coast. [1][2]

[Please note that as different people are known as different things to other groups, there may be more than one name for each group. This is indicated where possible.]

Languages

6.106 In theory Tigrinya, Arabic and English are all the official languages of Eritrea. In practice Tigrinya is mainly confined to the highlands, Arabic to the coastal regions and along the Sudanese border and English to the educated urban populations (particularly in Asmara). Each of the ethnic groups speaks its own language, and Amharic, a legacy of Ethiopian rule is still widely spoken. [36] The literacy campaigns of Mengistu lead to Amharic becoming obligatory for study in the schools of Eritrea. However this changed in time after independence. [1][2] [35] The Eritreans consist of nine ethno-linguistic groups. The Rasha'ida, Baria, Kunama, Beja, Tigre, Tigray, Bilin, Saho and Afar. [35]

6.107 Prior to independence Amharic had been used by the Derge regime as the language of education. This "language of domination", although still widely known and understood in Eritrea, is now generally avoided. While a person would not be shunned as an Amharic speaker, it is known that deportees from Ethiopia were badly thought of if they had not mastered another language for communication as soon as possible. Tigrinya, Arabic

and English were popular choices as these are the most widely spoken. It would be considered taboo for a person to try to converse in Amharic unless there was no alternative. [5]

Afar/Danakils

6.108 The Afars also known as the Danakils in Eritrea make up around 5% of the population of Eritrea. [36] The Afar are mainly Sunni Muslim, although elements of ancestor worship still persist, and inhabit the coastal lowlands of the Danakil Depression. They speak Afar (an eastern Cushitic language) and Arabic and are mainly pastoral nomads. [8] The Afars have also been involved in salt mining and were involved in the slave trade in this part of Africa. They are famous for their war-like history. [35]

6.109 Distinction is made in Afar society between two ancestor related groups, the Asaymara ("red") and the Adoymara ("white"). The former is considered of higher status and lived mainly in the interior. Currently both groups are dispersed over Afar territory and the status distinction is less marked. [35]

6.110 Afar leaders have been critical of the EPLF/PFDJ but have been in favour of the freedom enjoyed by the regional assembly in their home areas and the support given by the Government to the Afar-based Front pour la Restauration de l'Unité et la Démocratie in neighbouring Djibouti. [8]

Baria/Nara

6.111 The Baria tribes make up around 1.5% of the Eritrean population [36] and inhabit the southern part of the western lowlands, [8] north of the Gash River in southwest Eritrea. [35] They are of Nilotic origin. [8] They speak Nara, a Nilotic language. The academic ethnic label 'Baria' (Bareya) has in Amharic the literal meaning of 'slave', denoting the status of the Baria in the eyes of their dominant neighbours. [35] The Baria have been forcibly Islamised [8] to the Sunni Muslim faith. [35]

Hedareb/Beja/Beni Amer/Beni Amer

6.112 The Hedareb, along with their brother tribes the Beni Amer and Beja, make up around 2.5% of the Eritrean population, and inhabit the north-western valleys of Eritrea, straddling the border with Sudan. They are believed to be directly descended from the ancient Beja tribe. [8][35]

6.113 The Hedareb are a branch of the Tigre people, Cushitic in origin, living in the lowland border areas of northern Eritrea and eastern Sudan. [8][35][36] They speak Bedwiye and Arabic and are Sunni Muslims. The Hedareb are nomadic pastoralists. [35] Many Beja/Hedareb are included in the thousands of Eritrean refugees in Sudan. [8]

6.114 The Beni Amer are a strongly patriarchal, strongly stratified, almost feudal people. Many of the men scar their cheeks with three short, vertical strokes - Italians refer to them as the '111 tribe'. [36]

Bilen/Bogos

6.115 The Bilen inhabit the area around the town of Keren [8] and make up around 2.1% of the population. [36] They are a mostly agriculturist people, comprising two main tribes, the Bet Teqwe and the Gebre Terqe, of about 15,000 each. [8] They speak Bilin and Tigre, members of the central Cushitic language group. Until the second half of the nineteenth century, they were Ethiopian Orthodox Christians, but since then have shifted to Sunni Islam. [35] About a quarter of the Bilen population are Roman Catholics. [8]

6.116 Bilen traditional society is organised into kinship groups. The women are known for their brightly coloured clothes and their gold, silver or copper nose-rings which indicate their means and social status. Like the Beja language, Bilen is slowly being replaced by Tigre, Tigrinya and Arabic, due to intermarriage, economic interactions and because Arabic is taught in local schools. [36]

Kunama - Cultural

6.117 The UK delegation to Eritrea was told in Asmara that while there are problems with ethnicity in all areas of the world, Eritrea has no real problem with the individual racial groupings, in fact in comparison to other areas of Africa it is remarkably stable. The source stated that nobody in Eritrea truly believes that a person would be

persecuted for being part of any particular Eritrean ethnic group, as this would go against the beliefs of Eritrean unity espoused by the government. [5]

6.118 The Kunama are the original inhabitants of the region and are very dark skinned. [36] They are of Nilotic origin, like the inhabitants of western Ethiopia and southern Sudan. [8]

6.119 Little is known of the origin of the Kunama; little is recorded about them, probably because they have no alphabet and, therefore, no recorded history. Many regard them, however, as the very first Eritreans. Today, Kunama children use the Latin alphabet, but are taught in their own language. [5]

6.120 Originally, the Kunama were nomads; eventually they settled near the disputed border between Ethiopia and Eritrea. The Kunama are peaceful, but the ongoing wars between Ethiopia and Eritrea have been devastating, drastically reducing the tribe's population to roughly 50 or 60,000 people. [5]

6.121 The region of Gash-Barka, home of the Eritrean Kunama, was formerly known as Gash-Setit, so named after the two important rivers of the area. The name change occurred after the Eritrean provinces were changed from 9 to six provinces. [5]

6.122 Isolation and a tenacious adherence to tribal customs have enabled the Kunama to retain their traditions, which existed long before the introduction of Christianity and Islam into the area. Living in close harmony with nature and each other, they have survived by excluding the dominant cultures of the outside world. [5]

6.123 The Kunama venerate their ancestors and have a special reverence for the elders of the tribe. This respect for their elders allows the tribe to make important decisions, called "democratic choices," which always involve two elders. The Kunama work together, designating certain months for special "events." September, for example, is the time for harvest; January is the month for repairing houses. Everything is done as a community, each helping the other. Even at funerals, the entire village attends. It is their custom to bid farewell as a group, though children are not allowed to participate. [5]

6.124 The Kunama are organised matrilineally, so that daughters inherit from their mothers instead of sons from their fathers. Women therefore have far more freedom and decision power than women from other ethnic groups. [5] The exogamic (marriage outside of the tribe) clan system still bears the traces of an older system of matrilineal (based on kinship of the female line) descent. [35]

6.125 Kunama marriage customs reveal the tribe's practical yet gentle lifestyle. After much dancing and celebration, the newlyweds spend a few days together, but then the young woman returns to her mother, often for a year or more. During this time, the mother teaches her daughter the role of a wife and mother. This does not mean only learning how to cook and sew, but how to manage finances, how to organise, how to cultivate skills, how to care for a baby and more. By the time the couple are reunited, her husband and his family will have completed the new couple's home. [5]

6.126 For over 50 years, the highlanders in Ethiopia and Eritrea have pushed the Kunama territories to smaller and smaller dimensions. The population density in the Kunama lands are minute in comparison to the highland areas where most people are living, so as the non Kunama population grows, Kunama land is needed. [5]

6.127 This is broadly in accordance with the 1994 Land Proclamation (Law No. 58/1994). This is the principal piece of legislation regulating land ownership, and stipulates that all land is the property of the state. [5]

Kunama - Treatment

6.128 The Kunama has traditionally relied on the Ethiopian Army when larger and more powerful ethnic neighbours attacked them. For historic reasons, although the majority of the Eritrean population strongly supported Eritrean independence, the Kunama still maintained their support for the Ethiopian army, although there was also support for independence and a number of Kunama fought on the side of the Eritrean Liberation Front (ELF). [5]

6.129 The perception has always been that the Kunama were the least enthusiastic of the Eritrean peoples with

regards to Eritrean independence. The Kunama people were in fact divided on opinion and had a great respect for the Ethiopians as much as many believed in Eritrea as a separate and independent nation. In the absence of a unifying Kunama political figure all conflicting opinions were heard. [5]

6.130 The Eritrean People's Liberation Front (EPLF) has tried to foster a closer relationship with the Kunama both before and after independence, but the fiercely independent nature of the Kunama leads many Eritreans to believe that the Kunama are pro-Ethiopia, whether this is true or not. [5]

6.131 The Kunama have also been mistrusted due to alleged support for Ethiopia in the border war of 1998-2000. However most people in Eritrea tend to dismiss the stories of persecution against the Kunama as being a way that the Ethiopians and supporters of Ethiopia can attack Eritrea. [5]

6.132 After the withdrawal of Ethiopian troops some Kunama were accused of collaboration or looting. In June 2000 approximately 200 Kunama were detained without charges on suspicion of collaboration. Most were released within a few months although by the end of 2001 several Kunama remained in detention. Unconfirmed reports in August 2001 suggested that four ethnic Kunama disappeared after they were picked up by Eritrean soldiers. [5]

6.133 There are also allegations of government and societal discrimination against the Kunama. There are unconfirmed reports that the Government took land from members of the Kunama ethnic group without compensation and gave it to members of other ethnic groups on the grounds that the land was not being efficiently exploited. There was also an unconfirmed report that Eritrean refugees returning from Sudan were resettled in the Kunama crop fields after evicting the native Kunama. There is some societal discrimination against the Kunama due to the fact that they are seen, ethnically and culturally, as different from the majority of Eritreans. [5]

6.134 Amnesty International believe that the Kunama are the only ethnic group considered as being likely to have any basis for an asylum claim from the ethnic groups in Eritrea. Amnesty believes that this is also the view of UNHCR. [5]

6.135 However the UK delegation to Asmara in 2002 was told that the Government does not discriminate along ethnic lines and that different groups within Eritrea co-exist peacefully. [5]

6.136 The Government strives to promote ethnic balance and that this is one of its strengths. However the authorities would be likely to react harshly if members aligned to any particular ethnic group politicise issues. The delegation was that a specific ethnic group such as the Kunama could not seriously cite ethnic persecution in Eritrea. [5]

6.137 There is a long history of conflict between the EPLF/PFDJ (People's Front for Democracy and Justice) and the Kunama. At least 55 Kunama, administrators and civil servants under the previous regime of Ethiopia, were arrested in 1991 when the EPLF took over for alleged human rights abuses under the Derg, and have not been seen since. None have been released and it is unclear if any have been charged or tried publicly. [5]

6.138 The Kunama have also suffered from extensive land loss. In Barentu, between 1991 and 1997 some 30,000 Tigreans were moved into the towns and given land/houses by the government. These fled on arrival of the Ethiopian troops in 2000. The destruction by Ethiopian troops was very precisely targeted at their houses despite Kunama complaints, both before and after the war about the way the fighters were losing lands and property. [5]

6.139 Probably the two best known Kunama resistance groups are the Democratic Movement for the Liberation of Eritrean Kunama (DMLEK) and the Eritrean Democratic Resistance Movement - Gash Setit (EDRM). [5]

6.140 The Eritrean Democratic Resistance Movement - Gash Setit (EDRM), which also calls itself "Sawrawi Baito" is led by Ismail Nada and is reportedly close to the current ELF. Some expect them to merge with the ELF at some point. Nada is a former ELF fighter is said to think along similar lines to leading ELF-RC members. [5]

6.141 The Democratic Movement for the Liberation of Eritrean Kunama (DMLEK) is led by Kerneolos Osman and

is best known for the material it places on pro-opposition websites. The DMLEK is based in Addis Ababa. [5]

Rasha'ida

6.142 The Rasha'ida are the only true Eritrean nomads. Making up around 0.5% of the population, they roam the northern coasts of Eritrea and Sudan, as well as the southern reaches of the Nubian desert. Like their neighbours the Beja/Hedareb they live by raising cattle and are largely Muslim. They speak Arabic. [36]

6.143 The Rasha'ida are known for their great pride; marriage is only permitted within their own clan. The people are expert goat rearers, as well as merchants and traders along the Red Sea coasts. [36]

Saho

6.144 The Saho live between Afar and Tigre areas [8] in the lowlands of south-central Eritrea, [35] and are nomadic or semi-nomadic people. [8] They are Sunni Muslims, with some Ethiopian Orthodox Christians. [35] They speak local languages and Arabic. [8]

6.145 The Saho are organised in patrilineal (based on kinship of the male line) descent groups. The leaders, elected by the male assembly, are known as 'rezantos', and were formerly military chiefs in times of war. Many Saho children (up to the age of 16) wear little leather pouches around their neck, which are full of herbs and spices to ward off evil spirits. [36]

Tigrinya

6.146 The Tigrinya make up around 50% of the Eritrean population and inhabit the densely populated central highlands, extending over the provinces of Seraye, Hamasien and Akele Guzay. The people are sedentary farmers and are overwhelmingly Orthodox Christian with a small majority of Muslims known as Jiberti. [36]

6.147 The Tigrinya Jiberti are Muslims scattered throughout the Christian Highlands who practice Islam but also observe some customs of the Christians among whom they live. The Jiberti speak the Tigrinya language and some Arabic. [12]

Tigre/Tegre

6.148 The Tigre peoples represent about one third of Eritrea's population. Culturally and ethnically they are related to the Beja of Sudan. Claiming Arab origin, their language, Tigre, is Semitic. The use of the Tigre language is declining under the impact of Tigrinya in Eritrea. [8] They also speak Bedawiye and Arabic. Their faith is split between Sunni Muslims and Ethiopian Orthodox Christians. A Major shift from the latter to the former took place during the first half of the nineteenth century. [35] Their primary occupation is cattle herding. Most are nomadic but some have settled. The Tigre include ten major tribal units: Ad Sawra, Ad Sheikh, As Mu'allim, Afenda, Bet Asgede, Bet Juk, Marya, Mensa, Meshalit and Sabdarat. [8]

6.149 Tigrean society is traditionally hierarchical, with a small aristocracy known as the 'shemagille' ruling the masses. When the village leader dies, his power passes to his offspring. [36] Historically 'Tigre' was used to denote a vassal to the ruling stratum claiming descent from the Beja/Beni Amer or Saho. [35]

RETURNING ERITREANS

6.150 Eritreans are currently returning to Eritrea from most surrounding countries but mainly from the Sudan and Ethiopia. These two groups of people have very different modern histories although both are largely being helped to repatriate by the ICRC working with the Eritrean Relief and Rehabilitation Commission (ERREC). [21L][29][30]

Eritreans from Sudan

6.151 In May 2002, the Office of the UN High Commissioner for Refugees (UNHCR) declared the cessation (end) of refugee status for two categories of Eritreans - who had fled during the 30-year independence struggle up to 1991, and those who fled during the war with Ethiopia from 1998 to 2000. Many of these have already returned voluntarily to Eritrea from Sudan, although others have expressed reluctance to return and will have their cases reviewed by UNHCR. [7e]

6.152 Eritreans in Sudan represent one of the oldest groups of refugees on the African continent and UNHCR has been caring for Eritreans in Sudan longer than any other group of exiles with the first camp opening in Eastern Sudan in 1969. The reasons for them being there hark back to the annexation of Eritrea in 1962 by Haile Selassie. Subsequent periods of drought and war drove more and more Eritreans into Sudan until they reached an estimated 500,000. [21f][30]

6.153 Based on an information campaign and talks with elders by the UNHCR, ICRC and ERREC many have been convinced to return, with over 39,000 now returned in over 50 convoy movements. Returning Eritreans can choose where to settle and are provided with a shelter structure, one blanket per person, two mosquito nets per family, a kerosene stove with kerosene and water barrel, agricultural tools, kitchen sets, soap and a carry-all bag. Families also receive a cash grant of up to US \$200 and food assistance. They are then helped to reintegrate into their societies. Tahir Ali is UNHCR's chief of mission in Asmara. Ali said UNHCR was happy with conditions in Eritrea and the agency's assessment of the returnees was "very positive". [21f][30]

6.154 Talking to IRIN, Eritrea's deputy ambassador to Kenya, Teweldemedhin Tesfamariam said his government was coping with these returnees by mobilising the receiving communities to help with reintegration. He added that the government was building establishments such as schools and clinics, and "most importantly, we are allocating them [the returnees] land to rebuild their lives". [21f]

Eritreans from Ethiopia

6.155 About 75,000 persons have been deported to Eritrea from Ethiopia during the past three years. After initial uncertainty about their nationalities, most have apparently been accepted in Eritrea as citizens. Ethiopian authorities claimed that the deportees were Eritrean citizens whose presence in Ethiopia posed a security risk. Most of the deportees had lived virtually their entire lives in Ethiopia and considered themselves to be Ethiopian citizens of Eritrean heritage. About one-quarter of the deportees, however, seemed to regard themselves as Eritrean citizens or possessed unclear documentation, according to interviews conducted by researchers in Eritrea. [29]

6.156 Eritrean officials complained that Ethiopian authorities "dumped" many of the deportees at the border without adequate food and water. Some required immediate hospitalisation because of heat and stress suffered during their expulsion. [30]

6.157 The Eritrean government and aid workers have combined to offer considerable assistance for the new arrivals. They received Eritrean identity documents, grants equivalent to \$200 (Europa report an estimated annual income of \$100 per head in Eritrea), up to six months of food aid, blankets, and kitchen utensils. [29]

6.158 Authorities resettled about 39,000 new arrivals in urban areas in expectation that they would rapidly become economically self-reliant. Some 28,000 deportees with agricultural backgrounds settled into rural areas: about 15,000 moved into temporary rural camps with other displaced Eritreans, while 13,000 immediately integrated into small rural communities. [29]

6.159 The deportees were "too numerous to be absorbed into the Eritrean economy without assistance," a joint report by the UN children's fund (UNICEF) and the Eritrean government concluded in September. Many had never before been in Eritrea, could not speak the main languages, were separated from family members left behind in Ethiopia, had been stripped of all assets during their expulsion, and struggled to adjust to Eritrean life, a UN report stated. [30]

6.160 As many as 75,000 Eritreans or Ethiopians of Eritrean origin were deported from Ethiopia. The deportees, 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 IDP's before being settled among the general population. To facilitate the deportees' integration into society, the Government provided them with documentation that was valid for 6 months

and identified them as deportees. If, during that time, the deportees could find three Eritrean witnesses willing to testify to their Eritrean ties, the Government issued them documentation of Eritrean nationality and considered them to be permanent citizens. For the small minority of deportees who could not demonstrate Eritrean ties, the Government granted them identity documents that specified that they were Ethiopian but permitted them to stay in the country. At times these deportees were subjected to harassment and detention by military authorities checking for deserters and draft dodgers. Deportees of military age who acknowledged Eritrean nationality were ordered to report for military service. [6a]

ETHIOPIANS IN ERITREA

General

6.161 The ICRC report that there are still an estimated 15,000 Ethiopians still living in Eritrea. Overall they now appear to be better respected after the fervour of the border war. Some are Ethiopians married to Eritreans with mixed parentage children. Deportations from Eritrea started in August 1998. It is stressed by the ICRC that all repatriations from Eritrea since August 2000 have been carried out under their auspices, as have all repatriations from Ethiopia since mid-2001. There have been no forced deportations since that time. [5]

6.162 The attitude towards Ethiopians had changed, not as a result of any Government led initiative but as a result of a shift in the attitude of the public and police towards them. The inability to earn a living had been a leading cause for those that chose to be repatriated. Without the possibility of work they have little option but to leave. Since the end of the war not only have societal attitudes changed, but with so much of the potential workforce in the military it is possibly a lot easier to gain employment now if you are registered as a resident foreigner. [5]

6.163 Before the border conflict with Ethiopia began in 1998 there were an estimated 100,000 Ethiopians working in Eritrea. They consisted of long-term residents, some married to Eritreans, and more recent migrant workers. The port of Assab in particular hosted some 35,000 Ethiopians. [7f]

6.164 After the outbreak of the border war the Eritrean Government stated in June 1998 that Ethiopian nationals could leave Eritrea or stay if they wished. In early 1999 more than 3,000 Ethiopians resident in Eritrea returned to Ethiopia through pressure of unemployment or homelessness, as a result of the war. It appears that these returns were not as a result of Government expulsions or Government policy. This brought to more than 25,000 the total of Ethiopians who left Eritrea during the border war. The Ethiopian Government repeatedly accused the Eritrean Government of forced expulsions, detentions, torture and extra-judicial executions. In January 1999 the Government admitted holding 6 Ethiopians for investigation into alleged espionage, Amnesty International could otherwise find no evidence to substantiate most of the claims made by the Ethiopian Government. [7f][7b]

6.165 Throughout 2000 a number of problems for Ethiopians in Eritrea were reported. Some Ethiopians had difficulty renewing residence permits and were subject to detention when stopped by the authorities with an expired permit. There were occasions when Eritreans threatened and beat Ethiopians after fighting in the border war resumed in May 2000 and there were times when the police intervened too late to prevent or halt the abuse. [6a]

6.166 In August 2000 the Government shut down all businesses in Asmara owned by Ethiopians (approximately 300) and gave Ethiopians occupying Government owned housing one month's notice to quit. It is reported that the Government froze some Ethiopians' bank accounts and seized assets. Some Ethiopians had difficulty renewing various licences and leases. It is not clear how many, but a significant number of Ethiopians lost their jobs or were dismissed because of their nationality; in some cases this would have been due to their Ethiopian employers fleeing or having their businesses closed down. [6a]

Treatment

6.167 During 2000 the Government detained between 10,000 and 20,000 Ethiopians, many of whom were repatriated or deported. Between June and September 2000 detention camps were established for Ethiopians

scheduled for repatriation and deportation. [7f][6a]

6.168 Various problems were reported in the detention camps. Some detainees were forced to work outside their camps although after a visit by ICRC in late August 2000 POWs were no longer forced to work. Monitors reported that conditions in the camps were generally adequate although there were reports of sickness and death in some of the camps. There were credible reports that security forces beat Ethiopian detainees who were awaiting deportation or repatriation. There were also reports that security forces killed some detainees; in particular, six were reported to have been killed by camp guards at a camp in Wia. There was no investigation into these reports by the end of 2000. A guard at the Keren camp shot and injured a detainee, who was subsequently treated and repatriated to Ethiopia. No action is known to have been taken against the guard. [6a]

6.169 An unknown number of Ethiopians, mostly men, were held in police stations, prisons and jails in Asmara. The Government stated that they were being held for their own protection, because they had committed a crime, or because they were due for deportation. In November 2000 the ICRC was allowed to visit a number of these police stations. By the end of 2000 there was no evidence that they continued to be held in police stations, prisons or jails. [6a]

6.170 Following the cessation of the border war the Ethiopian Government continued to claim that Ethiopians were being detained and in particular in May 2001 claimed that thousands of Ethiopians had been rounded up and incarcerated. There were no reports substantiating this claim. In a report dated 5 September 2001 the United Nations Secretary-General expressed concerns about the treatment of Eritreans in Ethiopia in particular it was noted that those interviewed had reported long-term detention without due process, often in poor conditions. There were also allegations of ill treatment, discrimination in access to social services and harassment by civilians and officials. The Secretary-General called on Ethiopia and Eritrea to reconsider their positions with regard to the treatment of each other's nationals. He further urged them to comply strictly with international human rights and humanitarian law standards and their commitments under the peace agreement. [21e][23] [24]

6.171 It is reported that the Government detained between 10,000 and 20,000 Ethiopians in 2000, many of whom were repatriated or deported to Ethiopia. In 2000 the Government established detention camps for Ethiopians scheduled for repatriation or deportation in a number of areas, including Wia, Sheib, Alla, Afabet, Megarih, Shiketi, and Wekert. Monitors who visited the camps at Afabet, Adi Abieto, and Alla reported that conditions in the camps were spartan but generally adequate; however, there were reports that numerous detainees became sick due to camp conditions at Afabet, and that some died. There were credible reports that at least some of these detainees were forced to work outside their camps. By the end of 2000, the Government reported that most of the camps were closed; however, 1,500 detainees remained at Afabet, and 150 Ethiopians who did not want to leave the country remained at Alla. In mid-January the Government closed the Ethiopian detention centre in Afabet, leaving open only the centre at Alla, where 50 Ethiopians continued to reside. In July the Government closed the Alla camp and permitted the 50 detainees to live in Asmara, although some are believed to have left voluntarily. [6a]

6.172 Also in 2000 the Government shut down all businesses in Asmara that belonged to Ethiopians with only a few days' notice; approximately 300 businesses owned by Ethiopians were shut down. The Government gave Ethiopians occupying government-owned housing a 1-month notice to vacate. The Government reportedly also froze some bank accounts and seized some assets belonging to Ethiopians. Some Ethiopians had difficulty renewing business licenses, driving licenses, resident permits, or leases. A significant but unknown number of Ethiopians were fired or lost their jobs because of their nationality; in some cases, this was due to the fact that Ethiopians were working for Ethiopian businessmen who left the country or whose businesses were shut down. Ethiopians generally have been able to renew residence permits without difficulty; however, they continue to be unable to obtain business licenses, driving licenses or leases, and many continued to lose their jobs because of their nationality. In most cases, Ethiopian business owners who lost their inventories when their shops were closed down did not receive compensation. These hardships encouraged many Ethiopians to leave the country voluntarily during the year. [6b]

6.173 There were some instances in which private Eritrean individuals threatened and beat Ethiopians in 2000. It was not known whether any police action was taken in these cases. In some cases, police intervened too late to prevent the abuse or were unable to halt the abuse. During the year, abuse of Ethiopians by individuals was not systematic, and there were fewer cases than in the previous year. [6a]

6.174 The Government continued to allow the ICRC to visit and register Ethiopian civilian detainees in internment

camps, police stations, and prisons, and to visit Ethiopian POW's in 2001; however, the ICRC was not permitted to visit the approximately 750 Ethiopian soldiers who the Government claims are deserters from the Ethiopian army. Local groups were not permitted to monitor conditions in prisons. [6a]

6.175 In 2001 unlike the previous year, there were no reports that authorities arrested Ethiopians for raising the Ethiopian flag in public places, there were no credible reports of beatings of Ethiopian detainees or rapes of female Ethiopian detainees by security forces and there were no reports that the authorities beat Ethiopian detainees or that soldiers beat and raped female Ethiopian deportees. Also in contrast to 2000, Ethiopians generally were able to renew residence permits without difficulty; however, they were subject to detention when stopped by authorities with an expired residence. Ethiopians were able to obtain exit visas without difficulty and often were encouraged by the Government to obtain them. [6a]

6.176 An unknown but believed to be small number of Ethiopians, particularly men, are allegedly held in police stations, prisons, and jails in Asmara and possibly in other areas. The Government has stated that Ethiopians detained in such places were in detention because they had committed a crime or legal infraction. International monitors had access to the majority of detainees in police stations and jails. In May 2002, the ICRC repatriated 122 Ethiopian civilians who had been detained in Massawa. The Government had previously denied holding them. [6d]

Deportations

6.177 In August 2000 the Government began deporting and repatriating Ethiopians to Ethiopia. Most were repatriated voluntarily although many were forcibly deported. By the end of 2000 more than 25,000 Ethiopians had been returned. Only about half of the returns took place with ICRC participation. In July and August 2000 thousands of Ethiopians were deported under difficult and dangerous conditions without ICRC participation. As a result a number disappeared and are thought to have died. Some detainees were forced to march for 18 hours non-stop. In September 2000 the Government declared that it would conduct future repatriations of Ethiopian civilians under ICRC auspices and allow the ICRC to organise the return of Ethiopian POWs, although in October 2000 800 Ethiopians were deported from the Keren camp without ICRC participation. The ICRC continued to repatriate Ethiopians and in February 2001 announced that more than 5,110 Ethiopians most of whom were former detainees had been repatriated since early December 2000, a further repatriation of over 1,000 Ethiopians was announced in June 2001. [6a][20b][20c]

6.178 In July 2000 the Government deported 92 Ethiopian women to Djibouti by boat and there were credible reports that Eritrean soldiers beat and raped some of the women while in detention prior to deportation. Ethiopian women working as barmaids and prostitutes in Asmara were singled out for detention and deportation to Ethiopia. This was reported to be due in part to the fear that these women spread HIV/AIDS. It was reported that women who could demonstrate they had a child with an Eritrean father were allowed to stay, although some deportees alleged they were not allowed to take their children, as the fathers were Eritrean. [6a]

6.179 The Government deported to Ethiopia thousands of Ethiopians under potentially difficult and dangerous conditions without the participation of the ICRC in 2000; some reportedly disappeared or died. The deportations stopped in August 2000 after the end of the war with Ethiopia. [6a]

6.180 In 2000 the Government repatriated or deported more than 25,000 Ethiopians to Ethiopia. Among the deportees were women who alleged that they were prevented from taking their children with them because their fathers were Eritreans. In 2000 the Government deported 800 Ethiopians from the Keren camp without ICRC participation although the Government again stated publicly that it had not adopted a policy of deporting all Ethiopian nationals from the country. [6a]

6.181 During the year 2001, the Government repatriated more than 21,836 Ethiopians from the country to Ethiopia. All of those who left the country were repatriated voluntarily and with ICRC participation. An estimated 20,000 to 25,000 Ethiopians remained in the country at year's end. On June 27 2001, Ethiopia repatriated 723 Eritreans to the country without notifying the ICRC in advance. [6a]

6.182 An estimated 40,000 to 50,000 Ethiopians remain in the country (2001 figures) and the Government has stated on several occasions over the years that it has not adopted a policy of deporting all Ethiopians from the country. [6a]

WOMEN

General situation

6.183 The Government has consistently advocated improving the status of women, many of whom played a major role as independence fighters. Since independence, women have had the legal right to equal educational opportunities, equal pay for equal work and legal sanctions against domestic violence. The Constitution and the transitional Civil Code prohibit discrimination against women and the Government generally enforces these provisions. [4][6a][16]

6.184 Overall the position of women within Eritrean society compares favourably with their counterparts in other African and Arab countries living within urban circles. Women are well respected and have access to good opportunities in life and that if a girl or woman lived in a city they would have a good chance to shape their own life. However, it should be noted that 80% of Eritrean women live in rural communities, including villages and small towns, and here, within traditional Eritrean society, equality and the opportunity to gain a full education and or work is minimal. [5]

6.185 Much of Eritrean society remains traditional and patriarchal and most women have an inferior status to men in the home and society. In practice, men retain privileged access to education, employment and control of economic resources with more disparities in rural than urban areas. [6a]

6.186 Women between the ages of 18 and 40 are required to perform national service and women have been involved in fighting in the border conflict with Ethiopia that began in mid-1998. However, during 1999 the Government began removing women from direct combat and reassigning them to other duties, such as training. [6a][16]

6.187 To encourage greater participation of women in politics the PFDJ named three women to the party's 19 member Executive Council and 11 women to its 75 member Central Council at the last party congress held in 1994. Women filled almost half the positions in the constitutional Commission and hold senior government positions. The Law reserves a third of regional National Assembly seats for women, and women are also able to compete for the non-reserved seats. [6a]

6.188 The two most senior women in the Government are Askalu Menkerios, the Minister of Labour and Women's Welfare and Fawzia Hashim who took up her position in 1992 as the Minister of Justice. The head of the Eritrean Relief and Refugee Commission (ERREC) is also a woman. [5]

Female genital mutilation

6.189 According to the Eritrean Demographic Health Survey (EDHS) of 2002 an estimated 89% of girls are now subjected to some form of FGM. This represents a small reduction since 1995 when the figure was an estimated 95% of girls. As reflected in the Report on the implementation of the convention of the rights of the child document prepared by the Ministry of Labour and Human Welfare (MLHW) published in October 2002, young girls brought up under the Eritrean People's Liberation Front (EPLF) are the exception to the custom. The report also states that in lowland regions where the population is predominately Muslim infibulation (the most severe form of FGM) is generally practised. In the highlands it is the excision and cliterodectomy procedures that are most widely used. *(Further details of the different forms of FGM practised in Eritrea are documented in section one of the Amnesty International report - Female Genital Mutilation published in 1997).* [5]

6.190 The aforementioned Government report also states that within Eritrea the age when the procedure is usually performed varies between a few days and 12 years, the timing is primarily determined according to the child's ethnic group. The report explains that within traditional society, Eritrean women who do not undergo some form of FGM are seen as being "impure", having uncontrollable sexual impulses which drive them to sexual deviation and prostitution, and often put them in the category of being seen as unsuitable for marriage. Genital mutilation is also seen as a right of passage that can be avoided only at the cost of ostracism. For these reasons, the Government states that it recognises that simply banning the practice will not wipe it out. [5]

6.191 The Eritrean Government considers that long-term community education is the only effective means of bringing about change. A community education programme intended to educate against FGM has been operating in Eritrea since 1994. In 1997 Eritrea hosted a regional consultation on the Elimination of FGM. In October 1999 the first strategy to eliminate FGM was developed at a workshop in Asmara; a total of 50 participants included Government ministers, traditional birth attendants, youth and women's associations, UN agencies, religious groups and bilateral donors. The strategy aims to implement communication activities that will educate and motivate key partners and target groups to take action to eliminate FGM. [5] In other organisations including the National Union of Eritrean Women have sponsored education programmes that discourage the practice. The UN Population Fund also sponsors reproductive health projects which focus on the negative physical and psychological effects of FGM. [6a]

6.192 UNICEF view FGM as being deeply anchored within Eritrean society. The EPLF have actively discouraged the practice and the percentage of girls subjected to the procedure may have reduced slightly in recent years though the problem remains significant. [5]

6.193 FGM is practised by all classes of society at a fairly even level; irrespective of the level of education received by the parents. In many cases, pressure to carry out the procedure comes from the father. However, in recent years there has been a slight reduction in the percentage of girls subjected to some form of FGM. Former EPLF fighters do not practice FGM on their children. The practice is undertaken prior to the christening of Christian girls - this would be within 80 days of birth. Within the Muslim community the procedure is most commonly carried out prior to the age of 7 but may be undertaken at any age prior to marriage. [5]

6.194 The Minister of Information has publicly condemned the practice of FGM on the radio and has referred to it as being "forbidden"; but there is in fact no legislation that formally outlaws the practice. The source commented that as a consequence of the widespread practice of FGM, Eritrea had one of the highest rates of death in childbirth in Sub-Saharan Africa amounting to a figure of 985 in 100,000. This particularly applies to Muslim women who, by nature of the procedure they have undergone, commonly require being "stitched up" following each delivery. [5]

6.195 The Eritrean government works actively to discourage FGM in Eritrea. However, the procedure is still not illegal. So entrenched is FGM within society that it can not be made illegal despite the best intentions of the government. As there is an FGM rate of approximately 90%, making the practice illegal would mean the arresting and bringing charges against many of otherwise good citizens. This would prove to be very unpopular in the country hence the governments position to recognise that it is an ancient recognised practice but to educate against the dangers and promote the non-use of FGM. Nurses working for International NGOs had reported that most young Eritrean women are still circumcised. [5]

Domestic and sexual violence

6.196 The Government takes a firm public stance against domestic violence but observers believe that violence against women, particularly in highland areas, is pervasive. Spousal abuse, particularly wife beating is common, although domestic violence is seldom discussed openly by women. If any action is taken it is likely to be within the family or by religious clergy. [6a]

6.197 In the past if a rape occurred this might be remedied within the traditional society by the marrying off of the victim and her attacker. However this practice is no longer followed in anything more than the most isolated cases if at all. [5]

6.198 Unconfirmed reports state that some female soldiers have been sexually abused by their superiors. Often this is consensual and may be a tool to achieve promotion. Sexually harassment in these circumstances is believed to be more "pressure" than the "sex-slaves" situation reported in countries such as Angola. [5]

Women's organisations

6.199 The two most prominent organisations in Eritrea standing for women's issues are the National Union of Eritrean Women (NUEW) and the National Union of Eritrean Youth and Students (NUEYS). The NUEW campaigns for issues such as FGM and political representation as well as issues like childcare and better parenting. The NUEW is a Government controlled organisation. The NUEYS has highlighted issues relating to

FGM and negative gender perceptions. NUYES activities sometimes overlap with issues pursued by NUEW, especially those that may particularly impact upon children including FGM. [5]

CHILDREN

General

6.200 The Ministry of Labour and Human Welfare is responsible for policies concerning the rights and welfare of children. The Children's Affairs Division, a part of this ministry covers childcare, counselling and probation. Child prostitution, pornography and sexual exploitation are criminal offences under the law. [6a]

6.201 The legal minimum age for employment is 18 years although apprentices may be hired at 14. Labour inspectors in the Ministry of Labour and Human Welfare are responsible for enforcing employment laws pertaining to children. The Constitution prohibits forced or bonded labour, including that performed by children, and there have been no reports that it occurs. However, it is common for children in rural areas who do not attend to school to work on family farms and in urban areas some children work as street vendors. The government has not yet ratified the International Labour Organisation (ILO) Convention 182 on the worst forms of child labour. The Constitution prohibits forced or bonded labour including that performed by children and there were no reports in 2000 that it occurred. [6a]

6.202 A small number of children under the age of 18 have reportedly entered military service, usually as a result of inadequate identification documents. When soldiers have been found to be below 18 they have been removed from service. [6a]

Childcare provisions for orphans

6.203 The number of orphans within Eritrea is identified by the MLHW as one of the main social problems in Eritrea. In 1992 - 1993 a national survey identified approximately 90,000 orphans in the country. A survey conducted in 1999 - 2000 identified 51,000 in need of urgent support. A survey is presently underway to identify the number of AIDS orphans, as of October 2002 there were a total of 552 registered with the ministry on this basis. Within Eritrea the term orphan is defined as "a child who lost either one or both parents or has been abandoned". [5]

6.204 The Government policy with regards to orphans and unaccompanied children is against the proliferation of orphanages and other forms of institutionalisation. Instead, the policy is to strengthen the traditional safety nets that have been in place within communities throughout Eritrea for generations. On the basis of information provided by the Ministry of Labour and Human Welfare's Report on the implementation of the convention on the rights of the child the Government strategy for caring for orphans and unaccompanied children can be summarised as follows: -

- **Reunification of orphans** with close relatives is regarded as the best solution for guaranteeing their psychological integration and developmental needs. This is the most favoured option; between 1994 and 1997 just under 14,000 orphans were re-unified with nearly 7,000 families.
- **Foster care** with an unrelated family has been tried as a second alternative to reunification in Eritrea since 1992 in situations where a close relative can not be found. However, for a number of factors, including the rejection of foster care by communities as an alien concept, the Government does not consider the foster care programme to have been successful have no plans to extend the programme.
- **Adoption** is possible within Eritrea and involves the legal recognition that the child is part of the adopted family. Consent of any surviving parent is required, as is the consent of the adopted child itself if aged over 10 years of age. A relatively large number of families wish to adopt but priority is given to childless families or those with one child, hence few Eritrean families qualify. In the case of infants adoption is only permitted where the child has been abandoned; the Government states there are an average of 6/7 abandoned infants per year. A total of only 50 children have been adopted in Eritrea since independence.

- **Community based children's homes (Group care)** have been considered the best alternative to reunification, foster care or adoption. It is considered that this option, in which children are established in group-homes within the community, can limit the social and psychological effects of institutional living. Residents are kept to a manageable size of 10-12 children and two housemothers. As of 2002 a total of 132 children had been placed in 12 group homes situated within larger towns; six further homes are under construction. Children aged between 1 and 12 are selected for placements in group homes, siblings are kept together and where possible placements are within the region the child originates from. Government evaluations of group-homes in 1998 and 2002 conclude that these homes provide a secure and caring environment for the children.
- **Institutional care (orphanages)** is considered as the Government's least desirable option. Due to the effective reunification programme and the reunification of many children within their extended families all but one of the Government run orphanages have been phased out. There are however ten non-governmental orphanages within Eritrea, all these are administered by religious organisations. The (MLHW) carries out supervision of all orphanages. Children may be admitted to orphanages from birth up until the age of 11; in 2002 official estimates suggested a total of 1,500 were in such institutions.

[5]

6.206 Review of Placements is undertaken by social workers of the Ministry of Labour and Human Welfare. All children placed under the provisions of the reunification or foster care programmes are checked upon regularly. However, the authorities do acknowledge that there is a need to develop guidelines for social workers working in the field, particularly in respect of their handling of cases involving children. It is also the case that many social workers have not received formal training, however the MLHW have worked in conjunction with United Nations Children's Fund (UNICEF) to upgrade social workers skills. [5]

6.207 Christian Balsev-Olesen, UNICEF Representative to Eritrea commented to the UK delegation to Eritrea that there is a very well defined programme for alternative childcare arrangements within Eritrea. Hoefers confirmed this was the case, so much so that the UN agency considers the Eritrea model suitable to export to other countries. [5]

6.208 Hoefers confirmed that the authorities favoured arrangement is reunification of orphans within their extended family. She considered that in practice, the second option favoured by the authorities is the placement of children into group homes. The third option is the use of orphanages; she advised that Eritrea has one state run orphanage and 10 further orphanages managed by churches. UNICEF stated that there are approximately 1,500 children in these facilities, 300 of who are in the state orphanage. With regard to adoption of children, either to foreign families or within the country, Hoefers confirmed that this could sometimes be arranged but commented that it was a difficult process. [5]

6.209 There are several large orphanages within Eritrea adding that Asmara has one of the biggest. Orphanages are either run by the state or Christian NGOs in the country. They are considered by UNICEF to have satisfactory facilities such as adequate bedding, food and clothing provisions etc. Acceptability for entry to an orphanage is universal; there are no unacceptability rules that apply. Eritrea does all that it can for orphans and the Eritrean public and expatriate community supports them in this policy. [5]

6.210 The government's priority is to place orphans with surviving family if at all possible, if that is not possible then the authorities will attempt to place in a group home (essentially an extended foster family). The last resort is for a child to be put in an orphanage. [5]

Abuse and trafficking of children

6.211 A parent or guardian may not treat their child with negligence, give too large a task for the child to complete, beat the child in a way which may affect their mental or physical development, abandon the child in dangerous places or conditions or deny the child necessities. The court is sanctioned to impose a punishment against the parent or guardian in respect of any breaches of the above, the TPCE also provides for the rights of the parent or guardian to be limited. [5]

6.212 According to the MLHW Report on the implementation of the convention of rights to the child sexual abuse within the family is said to be unknown. In practice though, it is acknowledged that there has been no research undertaken to find the extent of the problem. However, the report accepts that "it is difficult to conclude that it does not occur at all". The TPCE prescribes for more severe penalties for sexual offences committed by family members and others in a position of trust against a minor. Although the law strongly condemns sexual exploitation of children the MLHW states that it is rare that children or their guardians exercise the right to take perpetrators to court. However, various customary laws also recognise incest and prescribe punishments such as the loss of land (livelihood) and public office for offenders. [5]

6.213 The above mentioned report also refers to the rape of large numbers of young girls by Ethiopian soldiers during the border war. Rape is not dealt with openly in Eritrean society and the families of rape victims often keep such incidents a secret as a consequence of the shame brought on the family of a rape victim. In most Eritrean families' virginity is a pre-requisite for marriage and consequently marriage for a girl who has been raped can become unattainable. [5]

6.214 The Government officially state that it is not aware of any documented or anecdotal evidence to suggest that children are being taken out of the country illegally for the purposes of adoption or other forms of illicit transfer. No official study has been conducted into this issue, however the MLHW Report on the implementation of the convention of rights to the child concludes on this issue "*it would be extremely unlikely that this constitutes a significant problem in Eritrea*". [5]

HOMOSEXUALS

6.215 Same-sex sexual activity is legal for men and women in Eritrea and there have been no reports of discrimination or persecution of homosexuals. [14]

HUMAN RIGHTS ORGANISATIONS IN ERITREA

6.216 Responsibility for handling human rights enquiries is held jointly by the Ministry of Foreign Affairs and the Ministry of Local Government. All NGOs must register with the Eritrean Relief and Refugee Commission. Following a Government order in 1998 most NGOs left. In 1999 they began returning when the Government encouraged their involvement in development and humanitarian aid. At the end of 2000 there were 36 NGOs operating within the country. [6a]

6.217 Independent national non-governmental organisations (NGOs) which might be critical of the government are generally not allowed. The Eritrean Human Rights and Development Centre set up in 1992 to promote human rights was shut down in 1993. Citizens for Peace in Eritrea (CPE) was granted registration during the Ethiopian war but its work focused on Ethiopia's abuses against Eritreans. In 1994 the government enacted a law allowing religious freedom but barring religious groups from engaging in political activities. It stripped the Jehovah's Witnesses (Watchtower) Christian sect of civil and political rights because its members in Eritrea refused compulsory national service. International development NGOs have also experienced government restrictions on their work and have been required to channel all their activities and funds through the government, rather than working directly with local communities. [7e]

6.218 In July 2002 the government refused Amnesty International's request to visit Eritrea to discuss its concerns and hear the views of the government. The government accused Amnesty International of biased reporting and having failed to support its liberation struggle. [7e]

6.219 During 2000 and 2001 the ICRC continued its programmes providing food and shelter to approximately 243,000 people displaced by the conflict with Ethiopia. At the beginning of 2000 it was not permitted to visit all detainees. However in August 2000 access to first Ethiopian civilian detainees and then Ethiopian prisoners of war was granted. Access to Ethiopian detainees in Asmara was not granted until November 2000. In September 2000 the government agreed to conduct future repatriations of Ethiopian civilians under ICRC auspices and to

allow the ICRC to organise the return of Ethiopian POWs. Although the Government generally abided by this, on 14 October 2000, 881 Ethiopians were deported without ICRC participation. On 29 July 2000 Eritrea acceded to the four Geneva Conventions of 1949. [6a][20a]

6.220 There are not many truly independent local NGOs within the country. Many organisations representing specific groups are under Government control but two NGOs that can be regarded as independent are Vision Eritrea which deals with rehabilitation and development work and HABEN that aims to respond to the issues relating to IDPs. [5]

6.221 The only prisoner visits that ICRC have clearance to undertake are to POWs. Over the years the ICRC have at times been given access to normal prisons, in accordance with the 4th Geneva Convention. This however is the exception rather than the rule. [5]

ANNEX A: CHRONOLOGY OF EVENTS

1869 Italian concession established near Assab

1885 Italian control extended to Massawa

1889 Italian control extended to most of modern Eritrea; Ethiopia recognises Italian control over Eritrea in Treaty of Ucciali

1941 British forces capture Eritrea during the Second World War; Eritrea remains under British military administration until 1952

1952 UN approves federation between Eritrea and Ethiopia; however Ethiopian rule effectively stifles Eritrean autonomy

1958 Eritrean Liberation Movement (ELM) founded

1961 Eritrean Liberation Front (ELF), which had superseded ELM, begins armed campaign for Eritrean independence from Ethiopia

1962 Eritrea's status reduced to that of an Ethiopian province

1972-74 Civil war in Eritrea between ELF and breakaway Popular Liberation Forces (which went on to form the Eritrean People's Liberation Front (EPLF) in 1977)

1974 Emperor Haile Selassie of Ethiopia overthrown in revolution which brings hard-line Marxist 'Derg' regime to power

1977 'Red Terror' campaign across Ethiopia by Derg regime increases opposition to Ethiopian rule of Eritrea

1977-78 Further splits within ELF

1985 Second civil war between ELF and breakaway factions, leading to further splits from ELF, effectively neutralising it as an effective military force; EPLF now the main opposition force to Ethiopian rule

1990 EPLF captures Massawa

5/1991 EPLF captures Asmara; at same time EPRDF captures Addis Ababa and overthrows Derg; EPRDF recognises EPLF as government of Eritrea and agrees independence referendum for Eritrea in 1993

4/1993 UN-supervised referendum overwhelmingly approves independence from Ethiopia

24.5.1993 Independence proclaimed

28.5.1993 International recognition of independence of the State of Eritrea; EPLF establishes transitional government, with EPLF leader Issayas Afewerki becoming first President of Eritrea

8.6.1993 Issayas Afewerki elected first President of Eritrea by the National Assembly

2/1994 EPLF becomes the People's Front for Democracy & Justice (PFDJ) and espouses its support for a pluralistic political system

1994-1995 Conferences on constitutional reform held throughout Eritrea, but Government opponents not invited to participate

5/1995 Government rationalisation programme cuts size of civil service and reorganises administrative regions

12/1996 Political assassinations of ELF's former commanding officer and a former military commander of ELJ

5/1997 New Constitution adopted by Constituent Assembly

5/1998 Border conflict with Ethiopia erupts into heavy fighting, thousands of Eritreans expelled from Ethiopia and many Ethiopians leave Eritrea

6/1998 Fighting with Ethiopia escalates, lull in fighting after June

2/1999 Upsurge in fighting with Ethiopia, 30,000 estimated deaths

3/1999 10 opposition groups based in Sudan form Alliance of Eritrean National Forces (AENF), led by ELF-CC's Chairman

4/2000 Fighting diminishes and Eritrea and Ethiopia declare support for OAU peace plan

5/2000 Ethiopia launches all-out attack on Eritrea, capturing territory taken by Eritrea in 5/1998

6/2000 Eritrea and Ethiopia sign cease-fire agreement and agree to UN monitoring force along border

10/2000 Eritrea and Ethiopia hold further peace talks in Algiers; UN peacekeepers deployed along common border

12/2000 Eritrea and Ethiopia sign peace agreement in Algeria establishing commissions to mark border, exchange prisoners, return displaced people and hear compensation claims.

06/02/2001 Eritrea accepts United Nations plans for a temporary demilitarised zone along its border with neighbouring Ethiopia.

24/02/2001 Ethiopia says it has completed its troop withdrawal from Eritrea in accordance with a United Nations-sponsored agreement to end the border war.

04/2001 Eritrea announces that its forces have pulled out of the border zone with Ethiopia - a key provision of the peace agreement signed between the two countries.

21/05/2001 Eritrea and Ethiopia agree on a UN-proposed mediator to try to demarcate their disputed border.

02/2002 Eritrea's highest legislative body, the National Assembly, decides not to allow the creation of any political

parties in the near future.

ANNEX B: MAIN POLITICAL ORGANISATIONS

Alliance of Eritrean National Forces (AENF) - Grouping of 10 Sudan-based opposition organisations, formed in Khartoum 3/1999; led by ELF-CC's Chairman Abdallah Idriss

Democratic Movement for the Liberation of Eritrea (DMFLE) - Opposition group; leader Hamid Turkey

Eritrean Islamic Jihad (EIJ) - Radical armed Islamist opposition group; split into military wing and political wing 8/1993; leader of political wing Sheikh Mohamed Arafa

Eritrean Liberation Front (ELF) - Successor to the Eritrean Liberation Movement founded in either 1958 or 1960; drew its membership from the Tigre and Arabic-speaking Muslim clans of the coastal plains and cities; began armed resistance to Ethiopian rule in 1961; factional splits in 1970s led to formation of rival EPLF, with which ELF fought, and lost, two civil wars in the 1970s and 1980s; now broken into several factions - see principal factions ELF-CC, ELF-NC, ELF-RC

Eritrean Liberation Front-Central Command (ELF-CC) - Founded 1982; Chairman Abdallah Idriss

Eritrean Liberation Front-National Council (ELF-NC) - Leader Hassan Ali Assad

Eritrean Liberation Front-Revolutionary Council (ELF-RC) - Established by former ELF members who remained outside EPLF; leader Seyoum Ogbamichael (as of August 2002)

Eritrean National Alliance (ENA) - Opposition grouping reportedly based in Sudan

Eritrean People's Liberation Front (EPLF) - Formed in 1977 from Popular Liberation Forces which broke away from ELF in early 1970s; fought civil wars with ELF in the 1970s and 1980s as well as fighting against Ethiopia; took control of Eritrea in 1991 and formed first government of independent Eritrea in 1993; transformed into political organisation People's Front for Democracy and Justice (PFDJ) in 1994 - leader Issayas Afewerki, President of Eritrea

Eritrean People's Liberation Front Democratic Party (EPLF-DP) - New Opposition group formed from reformists of the ruling PFDJ in January 2002. So far the EPLFDP only exist as a "cyber party" but gain credibility in not being connected to Sudan or Ethiopia as most opposition groups are. This new party has yet to disclose its membership or its manifesto, but reliable sources indicate that one of the founding members is the former Defence Minister Mesfin Hagos.

People's Front for Democracy and Justice (PFDJ) - Formed 1994 from ruling EPLF; governing party of Eritrea 1994 to date; Chairman Issayas Afewerki, President of Eritrea, Secretary-General Alamin Mohammed

Popular Liberation Forces - Breakaway faction from ELF which went on to form EPLF in 1977.

[1][2][38]

ANNEX C: PROMINENT PEOPLE*

Abdallah Idriss - Chairman of ELF-CC and leader of AENF grouping

Adhanom Gebremariam - Former Ambassador to Nigeria member of G-15 group of dissenters

Ahmed Nasser - Former Chairman of the ELF-RC, now in charge of Unity Affairs.

Alamin Mohammed - Secretary-General of PFDJ

Haile Woldensae - Former Trade and Industry Minister arrested in September 2001 following involvement with G-15 group of dissenters

Hamid Turkey - Leader of opposition DMFLE

Hassan Ali Assad - Leader of ELF-NC

Ibrahim Mohamed Ali - Former Leader and Chairman of ELF-RC, now Official Spokesperson for the ELF-RC.

Issayas Afewerki - Secretary-General of EPLF, Chairman of PFDJ and President of Eritrea June 1993 to present

Mesfin Hagos - Former Defence Minister member of G-15 group of dissenters. Hagos escaped arrest in September 2001 by being out of the country. He is believed to be one of the founders of the new EPLFDP.

Muhammad Sherifo - Former Local Government Minister arrested in September 2001 following involvement with G-15 group of dissenters

Petros Solomon - Former Foreign Minister arrested in September 2001 following involvement with G-15 group of dissenters

Seyoum Ogbamichael - Elected Chairman of the ELF-RC in August 2002.

Sheikh Mohamed Arafa - Leader of political wing of EIJ

[1][21f][21g][10k][38]

* = It is more usual for people in Ethiopia and Eritrea to be addressed by the first name. This is reflected in this list and at times in the text of this Assessment.

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