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Trafficking in Persons Report 2018 - Country Narratives - Eritrea

ERITREA: Tier 3

The Government of Eritrea does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore Eritrea remained on Tier 3. Despite the lack of significant efforts, the government reportedly took some steps to address trafficking, including unverified claims that it imprisoned some citizens for trafficking crimes, including military officials. However, the government did not share information on its overall anti-trafficking efforts. The government continued to subject its nationals to forced labor in its citizen militia and compulsory national service by forcing them to serve for indefinite or otherwise arbitrary periods under harsh conditions. The government did not report any trafficking investigations, prosecutions, or the identification and protection of any victims. The government did not report holding any complicit officials accountable for trafficking crimes despite many credible reports of such complicity, although there were unverified reports of some officials arrested for enabling those crimes. Authorities did not report any efforts to address the lack of formal procedures for identifying victims or referring victims to care, nor did the government report providing any services to victims. The government also continued to demonstrate a lack of understanding of the crime, regularly conflating trafficking with transnational migration or smuggling.

RECOMMENDATIONS FOR ERITREA

Develop, enact, and enforce an anti-trafficking statute that criminalizes all forms of trafficking, including sex trafficking and forced labor, clearly differentiating between emigration, smuggling, and human trafficking; enforce existing limits on the length of active national service to 18 months and cease the use of threats and physical punishment for non-compliance; investigate allegations of conscripts being forced to perform duties beyond the scope of the national service program and hold accountable those responsible, including complicit officials; exclude children younger than 18 at Sawa training academy from participation in activities that amount to military service; ensure victims and their families are not punished for crimes committed as a result of being subjected to trafficking or for fleeing government-sponsored forced labor; extend existing labor protections to persons performing national service and other mandatory citizen duties; with assistance from international organizations, provide training to all

levels of government, including law enforcement officials and diplomats, on identifying and responding to trafficking crimes; and provide protective services to trafficking victims.

PROSECUTION

The government maintained negligible anti-trafficking law enforcement efforts. The Eritrean Penal Code of 2015 criminalized some forms of trafficking in persons. Article 315 criminalized trafficking in women and young persons for sexual exploitation, which was punishable by up to seven years imprisonment; these penalties were sufficiently stringent, but not commensurate with punishments prescribed for other serious crimes, such as rape. Article 297 criminalized enslavement and prescribed penalties of seven to 16 years imprisonment, which were sufficiently stringent. Labor Proclamation 118 of 2001 criminalized forced labor and child labor. Penalties listed in the penal code under article 299 prescribed penalties from six to 12 months imprisonment or a fine up to 50,000 Nakfa (\$3,330).

The government did not report investigating, prosecuting, or convicting suspected traffickers during the reporting period; however, it stated a large number of Eritreans were imprisoned for the crime. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking, but sources indicated Eritrean military officers remained complicit in trafficking offenses. In December 2017, unconfirmed reports claimed the government arrested 44 military officials for conspiracy to subject Eritreans to trafficking. The government did not report providing any trafficking-specific training for judicial, prosecutorial, or law enforcement personnel, and officials continued to conflate transnational migration and human trafficking crimes.

PROTECTION

The government did not report any efforts to identify or protect trafficking victims. Eritrean officials had no procedures to proactively identify trafficking victims among vulnerable groups, particularly Eritreans deported from other countries and those fleeing the country, primarily to Sudan, Ethiopia, and Djibouti; some of these nationals were vulnerable to being arrested, detained, harassed, or forcibly recalled into national service. The government did not report developing a systematic mechanism for the referral of identified trafficking victims to care. It did not provide foreign victims with legal alternatives to their removal to countries where they faced retribution or hardship.

PREVENTION

The government did not demonstrate any new efforts to prevent trafficking. It continued to subject its nationals to forced labor in its citizen militia and compulsory national service. In recent years, the government reportedly educated its citizens on the dangers of trafficking through awareness-raising events and poster campaigns through

the Women’s Association, Youth Association, and Workers’ Federation; however, such efforts continued to conflate transnational migration and human trafficking. While the Proclamation of National Service 11/199 prohibited the recruitment of children younger than 18 years of age into the armed forces and applied sufficiently stringent penalties for this crime, reports alleged children younger than age 18 were sent to Sawa military and training academy for completion of their final year of secondary education. The country remained without an independent monitoring body to verify ages of new recruits into governmental armed forces and lacked transparency on efforts to ensure children did not participate in compulsory activities amounting to military service or other forms of forced labor. The government did not report on its efforts to reduce the demand for commercial sex acts or forced labor, or its provision of anti-trafficking training for its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, Eritrea is a source country for men, women, and children subjected to forced labor. To a significantly lesser extent, Eritrean adults and children are subjected to sex and labor trafficking abroad. Perennially, thousands of Eritreans who fled the country sought to escape human rights abuses, including arbitrary arrest and detention, lack of due process, and religious persecution; were in search of better economic opportunities; or hoped to avoid the often indefinite periods of the government’s forced labor through its national policies and mandatory programs. Eritrea’s strict exit control procedures and limited issuance of passports, which compel those who cannot obtain exit visas or documents to travel clandestinely, increase its nationals’ vulnerability to trafficking abroad, primarily in Sudan, Ethiopia, and to a lesser extent Djibouti and Libya, with the ultimate goal of seeking asylum in Europe or at a minimum, obtaining refugee status in Ethiopia, Kenya, Egypt, or Uganda; some also strive to reach the United States. Proclamation 82 of 1995 requires persons aged 18 to 40 years to perform compulsory active national service for a period of 18 months – six months of military training followed by 12 months of active military and development tasks in military forces or in a government-run work unit, including the Eritrean defense forces. However, the 18-month timeframe is arbitrary and unenforced; many individuals are not demobilized from government work units after their mandatory period of service but rather forced to serve indefinitely under threats of detention, torture, or familial reprisal. In 2012, the government instituted a compulsory citizen militia, requiring medically fit adults up to age 70 not currently in the military to carry firearms and attend military training or participate in unpaid national development programs, such as soil and water conservation projects. Working conditions are often harsh and sometimes involve physical abuse.

All 12th-grade students, including some younger than age 18, are required to complete their final year of secondary education at the Sawa military and training academy; those who refuse to attend cannot receive high school graduation certificates, attain higher education, or be offered some types of jobs. Government policy bans persons younger than 18 from military conscription; however, according to some organizations outside of Eritrea, the government in some instances includes children younger than age 18 in groups sent to Sawa. Reports from an international organization in previous years

indicated some recruits may have been subjected to beatings, abuse, and rape, though there are no confirmed cases of this kind in the current reporting period. The government continued Maetot, a national service program in which secondary-school children are assigned to work in public works projects, usually within the agricultural sector, during their summer holidays. Some Eritrean children are subjected to forced labor, including forced begging, and some women and girls are subjected to sex trafficking within the country.

Unaccompanied minors are increasingly at risk of being subjected to violence and exploitation. Children who attempt to leave Eritrea are sometimes detained or forced to undergo military training despite being younger than the minimum service age of 18. Some Eritrean women and girls travel to Gulf States for domestic work but are subsequently subjected to sex trafficking. Smaller numbers of Eritrean women and girls are subjected to sex trafficking in Sudan; reportedly, some Eritrean men are vulnerable to sex trafficking in Israel. International criminal groups kidnap vulnerable Eritreans living inside or in proximity to refugee camps, particularly in Sudan, and transport them primarily to Libya, where they are subjected to human trafficking and other abuses, including extortion for ransom. Some migrants and refugees report being forced to work as cleaners or on construction sites during their captivity. Reports allege Eritrean diplomats, particularly those posted in Sudan, provide travel documents and legal services to Eritrean nationals in exchange for bribes or inflated fees, potentially facilitating their subjection to trafficking. Some Eritrean military and police officers are complicit in trafficking crimes along the border with Sudan.

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