

Eritrea (93)

13

U.S. Department of State

Eritrea Country Report on Human Rights Practices for 1998

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ERITREA

Eritrea became an independent state in 1993, following an internationally monitored referendum in which citizens voted overwhelmingly for independence from Ethiopia. The Eritrean People's Liberation Front (EPLF), which led the 30-year war for independence, has controlled the country since it defeated Ethiopian armed forces in 1991; its leader, Isaias Afwerki, serves as the President. The People's Front for Democracy and Justice (PFDJ), the core of the former EPLF, which split off from the Government in 1994, is the sole political party. The Government continues to delay its stated program to hold elections. Elections originally scheduled for 1997, and later delayed until 1998, were postponed indefinitely due to the outbreak of a border conflict with Ethiopia. The Constitution provides for democratic freedoms, but it has not been implemented. The judiciary remains independent but weak.

The police are responsible for maintaining internal security, although the Government may call on the 40,000-member armed forces, the reserves, and demobilized soldiers in response to both domestic and external security requirements. In May fighting broke out between Eritrean armed forces and Ethiopian militia along the border. Eritrea responded to an escalating military conflict by calling up reserves and increasing its armed forces to approximately 100,000 to 120,000 soldiers. In addition to the border conflict, the army has been forced to deal with the Eritrean Islamic Salvation (EIS), a small, Sudan-based insurgent group that has mounted terrorist attacks in the north and west since 1993. Some members of the security forces committed human rights abuses.

The border conflict has interfered with Eritrea's transition from a deteriorating centrally planned economy to a market-based economy through the privatization of formerly state-owned enterprises and the liberalization of investment and trade. While trade, services, and manufacturing provide the greatest portion of gross domestic product, the rural economy is based largely on subsistence agriculture, with more than 70 percent of the population of 3.6 million involved in farming and herding. The small industrial sector consists mainly of light industries, many using outmoded technologies. International economic assistance has accounted for a significant portion of external revenues, with loans replacing grants. The country is extremely poor, with an annual per capita income of less than \$238 (1785 nakfa).

The Government human rights record worsened in several areas; and serious problems remain. Citizens do not have the right to change their Government, which is dominated by the PFDJ. Although a constituent assembly ratified a new constitution, the Government has not yet fulfilled its stated program for a transition to democracy. Eritrean forces killed Ethiopian civilians with artillery fire, during artillery exchange with Ethiopian forces. Security forces on occasion abused and mistreated persons, and soldiers reportedly raped several women. The Government generally does not permit prison visits, and arbitrary arrest and detention is a problem. An unknown number of persons suspected of

association with the Ethiopian Mengistu regime, radical Islamic elements, or terrorist organizations remain in prolonged detention. However, after the outbreak of conflict with Ethiopia, the Government began to grant representatives of the International Committee for the Red Cross (ICRC) broad access to prisoners and detainees, but not to Ethiopian prisoners of war (POW's). The Government's actions were prompted in large measure by Ethiopian allegations of substantial human rights violations of Ethiopians resident in Eritrea. The Government released 71 prisoners captured during the conflict with Ethiopia, coordinating the repatriation of POW's to Ethiopia with the ICRC. The still developing judicial system limits the provision of speedy trials, and the use of military courts limits due process. There were some infringements on the rights to privacy. The Government restricts press freedom, including the rights of the religious media, and limits freedom of association. The Government restricts religious freedom and freedom of movement. There were several reports that the Government arrested government critics, including a member of Jehovah's Witnesses. There is one domestic human rights group, Citizens for Peace. Societal discrimination against women is a problem, and female genital mutilation (FGM) remains widespread despite official government discouragement of the practice.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Extrajudicial killing

As the result of a border conflict that began in June, Eritrea and Ethiopia exchanged artillery fire and engaged in air attacks leading to numerous civilian casualties. In June Eritrean forces bombed the Ethiopian town of Mekele and killed 47 civilians, including children. In June and again in November, Eritrean forces fired artillery shells at the Ethiopian town of Adrigat, killing six persons and wounding several others.

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

Approximately 200 persons were injured or killed in incidents involving unexploded ordinances including land mines. There are an estimated 150,000 to 200,000 land mines in the country, mostly laid by Ethiopia during the 1961-1991 war in which Eritrea fought for independence. On occasion, new mines were laid by the EIS.

In June Ethiopian forces killed one civilian during an air strike on the Asmara airport.

b. Disappearance

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

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

The Ethiopian Penal Code, as modified by the transitional Penal Code of Eritrea, prohibits torture, and there were no reports that the authorities employed it. However, members of the security forces on occasion physically abused, beat, and mistreated persons. There were reports that Eritrean soldiers raped several Ethiopian women in the immediate aftermath of Ethiopia's bombing of the Asmara airport. The women later returned to Ethiopia. There were incidents of security forces physically abusing and mistreating Ethiopian nationals, particularly after the bombing of the Asmara airport. In other instances, there was clear police harassment of some Ethiopians, including the improper searches and detention of Ethiopian diplomatic vehicles (see Section 1.f.). The Ethiopian Embassy reported that locally hired staff members were beaten by the police and subjected to periodic harassment and questioning. There was no investigation into any of these abuses or prosecution of those responsible. Ethiopian media alleged that Ethiopians in Eritrea were tortured. Investigation by international human rights groups, and local and foreign officials of the Ethiopian allegations revealed no evidence to substantiate the charges.

Prison conditions are Spartan. The Government restricts visitation privileges and does not permit prisoners to correspond with family or friends. There were no confirmed reports that any prisoners died due to lack of proper medical care. However, there was a report that some prisoners were beaten. Juvenile offenders are often incarcerated with adults.

The Government generally does not permit prison visits. However, the Government began to permit some independent monitoring of conditions in detention facilities after the conflict with Ethiopia began in May, although the ICRC was denied access to Ethiopian POW's.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention is a problem. The Penal Code stipulates that detainees may be held for a maximum of 30 days without being charged with a crime. In practice the authorities sometimes hold persons suspected of crimes for much longer periods. In May the Government arrested approximately 1,000 Ethiopians suspected of supporting Ethiopia in the border conflict. Most were released after a few days, but less than 20 remained in detention at year's end. In 1995, on the second anniversary of independence, the Government pardoned and released 91 detainees who had been held for up to 4 years for collaboration with the Mengistu regime. An unknown number of additional suspected collaborators remain in detention without charge, despite a statement by President Isaias in 1995 that their cases would be considered soon. An unspecified number of persons associated with radical Islamic elements or suspected terrorist organizations also remained in detention without charge. There were unconfirmed reports that the Government arbitrarily holds several Eritrean Liberation Front members. Military authorities sometimes arbitrarily arrest and detain former combatants who violate the military's unwritten code of conduct (see Section 1.e.).

Four members of Jehovah's Witnesses have been detained without trial or charge for over four years (see Section 2.c.).

In December the Government released an Eritrean journalist detained without trial since March 1997 for inaccurate reporting and leaking confidential information (see Section 2.a.).

The Government generally does not use exile as a means of political control. However, immediately following the outbreak of hostilities with Ethiopia the Government expelled approximately 1,000 Ethiopians from Eritrea, many for alleged security concerns. Since that time, several thousand Ethiopians have left Eritrea, but the large majority chose to leave voluntarily due to the negative economic impact of the conflict.

e. Denial of Fair Public Trial

The judiciary is independent but weak, although there were no known incidents of executive interference in the judicial process during the year.

The judiciary consists of village courts, subregional courts, regional courts, and a High Court that serves as an appellate court. The still developing judicial system suffers from a lack of trained personnel, inadequate funding, and poor infrastructure that in practice limits the State's ability to grant accused persons a speedy trial. However, there was progress in establishing courts as 16 new, staffed courthouses were completed during the year. At independence the Government chose to retain the Ethiopian legal system. Under this Code, simple crimes are brought to village courts and subregional courts. More serious offenses are argued before regional courts, and cases involving murder, rape, and other serious felonies are heard by the High Court. All cases except those argued before the High Court are heard by a single judge: on the High Court, panels of three judges hear cases. Defendants have access to legal counsel, usually at their own expense.

Although there is no formal public defender's office, the Government has requested successfully that attorneys work without fee to represent defendants accused of serious crimes who are unable to afford legal counsel. Defendants may appeal verdicts to the High Court, which is composed of a president and five judges.

As a result of the lack of legally trained personnel, the Ministry of Justice was unable to process a large volume of civilian corruption cases, which were handled by the Ministry of Defense. In 1997 the press reported that 2,431 civilians had been tried by special military courts. Approximately half were fined and imprisoned, while 360 were found not guilty. There was no information available on the remaining 850 civilians. A smaller number of cases concerning embezzlement, corruption, and theft were tried in the special military courts during the year. In military courts there are usually no defense lawyers and no right of appeal. The continued handling of civilian cases by these military courts raised problems of due process because of the absence of defense counsel and denial of the right to appeal. Denial of due process has been a problem on occasion for critics of the Government (see Section 2.a.).

There was considerable progress in obtaining qualified legal personnel. The law school at the University of Asmara graduated its first class of 25 in May. Of the 25 graduates, 21 were given jobs in the Ministry of Justice, where they are receiving training in alternate dispute resolution techniques. The other four graduates remained at the University to pursue advanced coursework. The University expects to graduate 38 lawyers in 1999 and 25 each year thereafter.

Since the population is largely rural, most citizens only have contact with the legal system through the traditional village courts. Village judges, appointed by a panel of government magistrates, provide

justice in civil matters. Criminal cases are transferred to magistrates versed in criminal law. Many local issues--for example, property disputes and most petty crimes--are adjudicated by local elders according to custom or, in the case of Muslims, Shari'a law. The traditional courts cannot impose sentences involving physical punishment. The Ministry of Justice also is offering seminars in alternative dispute resolution for handling petty criminal and civil cases.

Crimes involving corruption, theft, and misuse of government authority allegedly committed by former members of the guerrilla forces during the war for independence are handled by military courts. Senior former fighters often are held to a stringent unwritten code of conduct, and violations of this code are handled within the governing circle outside the normal judicial process. Former fighters accused of violating this circle of trust have been arrested and held without formal charge. Some senior government officials have been relieved summarily of their duties for overstepping their role or making mistakes, although generally they have not been mistreated and often have retained salary and certain other privileges.

There were no reports of political prisoners.

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

Under the law, warrants are required in routine searches and seizures, except in cases where authorities believe individuals may attempt to escape or destroy evidence. However, there were cases of improper searches. In several instances, Ethiopian diplomatic vehicles--clearly bearing diplomatic or consular plates--were subjected to improper searches and detentions. Warrants also are required before the Government can monitor mail, telephones, or other means of private communication. There is no evidence that the Government monitored private mail service, but there is evidence that the Government monitored some international telephone calls. The Government does not allow access to the Internet through its telecommunications system. The Government has the authority to ban the import of any foreign publication; however, it has not yet done so. (see Section 2.a.).

There were reports that a small number of Ethiopians were expelled from their homes in Eritrea near the Ethiopian border. There were also reports that police harassed some Ethiopians. A significant but unknown number of Ethiopians were fired or lost their jobs due to their nationality. However, in a number of cases, this was due to the fact that Ethiopians were working for Ethiopian businessmen who left the country or who found that their enterprises were no longer viable because they had lost their Eritrean clients. Hundreds of Ethiopians, who can no longer pay rent, are sleeping in rough conditions at the outskirts of Asmara.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, in practice, the Government restricts these rights. Individuals must be cautious in stating their views in public since the Ministry of Internal Affairs has detained or arrested persons whose remarks it considered inappropriate. The June 1997 arrest of an Eritrean-American citizen for remarks allegedly made while in the United States underscored the authority of the Ministry to arrest persons based on suspicion. There were re-

ports during the year that the Government arrested persons--including a member of Jehovah's Witnesses--for criticizing the Government.

The Government controls almost all media, which include three newspapers, one radio station, and one television station. Two independent newspapers flourished during the year, and one, Setit, rivaled the circulation base of the government press. The Government has the authority to ban the import of any foreign publication, although it has not yet done so. The press proclamation issued in 1996 forbids the local reprinting of articles from banned publications. The Government continued to restrict the rights of the religious media to comment on politics or government policies. In theory nonreligious print media are free to criticize the Government. Nonetheless, criticism tends to be limited and fairly mild. Although there is no formal censorship body, the media practice self-censorship. The arrest and detention without trial in March 1997 of an Agence France Presse correspondent and PFDJ member for allegedly falsely reporting remarks made by President Isaias raised further doubts about press freedom. Government officials state that the journalist was arrested for violating the law against inaccurate reporting and her obligation as a government official to protect classified government materials. Nevertheless, the open-ended jail sentence the reporter received without a trial denied her due process. The journalist was released in December.

The Government's press proclamation allows individuals to publish newspapers, and private newspapers and magazines began publishing at the end of 1997. There were five independent newspapers and magazines operating at year's end. The success of Setit, the leading independent newspaper, marked a step towards the development of a free press. However, the press proclamation does not allow private ownership of any broadcast media or foreign ownership of any media. The Proclamation requires that all newspapers obtain a license from the Ministry of Information before publication and that all reporters register with the Ministry. The Government also may punish "whosoever insults, abuses, defames, or slanders the Government or one of the constituted legislative, executive, or judicial authorities," and forbids the publication of any matter that contravenes general morality. There were no reports of arrests or prosecutions under this authority; however, this authority has hindered the development of print or broadcast media critical of the Government.

There are some restraints on academic freedom at the one institution of higher education, the University of Asmara. University administration exercises hierarchical control over most aspects of university life. For example, student majors are chosen by the University, not the students, and some faculty expressed frustration that their research activity was constrained by the administration.

b. Freedom of Peaceful Assembly and Association

The Government requires a permit from the Ministry of Internal Affairs for a public meeting or demonstration. In general permits are granted freely for nonpolitical meetings or gatherings, and although no political demonstrations have occurred, there were no reports that permits for political demonstrations were denied.

The Constitution states that every citizen shall have the right to form organizations for political, social, economic, and cultural ends. However, the PFDJ has stated its opposition to the formation of any religiously or ethnically based parties.

c. Freedom of Religion

The Constitution provides for freedom of religion; however, the Government restricts this right in practice. The Constitution provides for the "freedom to practice any religion and to manifest such practice" and Islam and Christianity are widely practiced and tolerated throughout the country with persons free to worship at the church or mosque of their choice. However, the Government persecuted members of the small community of Jehovah's Witnesses continued. In 1994, the Government revoked the trading licenses of members of Jehovah's Witnesses and dismissed most of those who worked in the civil service. This governmental action resulted in economic, employment, and travel difficulties for members of Jehovah's Witnesses, especially former civil servants and businessmen. One woman was denied a passport when, upon questioning at immigration, she informed officials of her religious affiliation. In April 1997, the Government Labor Office issued a form to all employers in Asmara and the surrounding area requesting information on any personnel who were members of Jehovah's Witnesses.

Members of Jehovah's Witnesses have refused universally on religious grounds to participate in national service or vote in a referendum. This spurred widespread criticism that the members were shirking their civic duty. Although other individuals reportedly have been punished for failure to participate, only members of Jehovah's Witnesses have been subject to dismissal from the civil service, had their trading licenses revoked, and been denied passports due to their refusal to participate in national service. In addition to these measures, members of Jehovah's Witnesses also are denied identification cards, trading licenses, and government housing universally, unless they hide their religion. Several members of Jehovah's Witnesses were arrested for failure to comply with the National Service Law and some were tried, although there is no information available regarding the verdicts or sentences in these cases. Four members of the Jehovah's Witnesses have been detained without trial or charge for over four years. However, members of Jehovah's Witnesses are not barred from meeting in private homes.

The Government has banned religious organizations from involvement in politics. The Government has discouraged foreign religious groups and nongovernmental organizations (NGO's) from proselytizing, as it believes that this could create unnecessary friction in the delicate balance between the Muslim and Christian populations. In a 1995 proclamation, it described specific guidelines on the role of religion and religion-affiliated NGO's in development and government, stating that development, politics, and public administration are the sole responsibility of the Government and citizens. As a result, religious organizations may fund, but not initiate or implement development projects. The proclamation also sets out rules governing relations between religious organizations and foreign sponsors. In May the Government shut down the health clinic of a Presbyterian Church and refused to renew the visas of foreign church members, effectively ending the mission work of the church. The Government restricts the right of the religious media to comment on politics or government policies (see Section 2.a.).

Authorities informed the Catholic Church in April that all Catholic schools would be incorporated into the public school system. At the time, it was not made clear whether the clerical authorities would continue to administer the curriculum with government oversight or whether the school faculty would be absorbed into the Ministry of Education. However, no action was taken to implement this

initiative because of the outbreak of the border conflict with Ethiopia. In January religiously affiliated organizations were prohibited from running kindergartens.

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

The Constitution provides for the rights of movement and emigration. In general citizens may live where they choose and travel freely throughout the country. However some areas are restricted for security reasons. The border with Ethiopia was closed in May due to the outbreak of conflict, although Eritreans deported from Ethiopia crossed the border and were allowed to resettle in Eritrea. The deportees were provided with a \$200 (1500 nakfa) grant from the Eritrean Relief and Refugee Commission, and, if they wished, placed in villages with friends or family. Those who no longer had connections in Eritrea were placed temporarily in refugee camps before being settled in the general population. In order to facilitate the deportees' integration into society, the Government has provided them with documentation of Eritrean citizenry. However, Ethiopians who wish to leave Eritrea encountered a slow and frustrating process for the granting of exit visas. There was a report that Eritrean soldiers at a border post turned back busloads of fleeing Ethiopians who claimed to have paid the required departure fee and been authorized to leave.

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

Citizens are largely free to travel outside the country, although members of Jehovah's Witnesses (see Section 2.c.), former ruling party members, those who have not completed national service, and intending emigrants have been denied passports or exit visas. In general citizens have the right to return. Instances in which citizens living abroad have run afoul of the law, contracted a serious contagious disease, or been declared ineligible for political asylum by other governments are considered on a case-by-case basis.

Approximately 250,000 Eritreans have been internally displaced as a result of the conflict with Ethiopia.

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

A pilot refugee return program sponsored by the UNHCR resulted in the repatriation of 25,000 Eritrean refugees from Sudan in 1995. However, a further 100,000 of the estimated 136,000 Eritrean refugees remaining in Sudan were not repatriated under the program because of the failure of the governments of Eritrea and Sudan to conclude an agreement on the modalities of such a repatriation. Furthermore, all UNHCR foreign staff members were expelled from Eritrea in 1997 because of activities that the Government alleged were inconsistent with the UNHCR mandate. Following the relea-

se of an UNHCR survey in May indicating that there are some 150,000 Eritreans in Sudan who wish to return home, the Government agreed to allow UNHCR foreign staff members to return during the year to help oversee the development of a coordinated reintegration strategy in May. No progress in repatriating the remaining refugees had been made by year's end.

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

Although the Constitution provides for this right, citizens have not yet been able to change their government in multiparty elections. Credible reports suggest that authority within the Government is held very narrowly. The Government is dominated by the PFDJ, which came to power in the 1993 popular referendum in which over 90 percent of voters chose an independent Eritrea managed by a transitional government run by the PFDJ rather than electing to remain part of Ethiopia. The PFDJ still has not fulfilled the ambitious program that it initially outlined for a transition to a democratically elected government in 1997. Elections originally scheduled for 1997 were postponed until 1998. However, an electoral commission was established in 1997 to draft an electoral code for 1998 elections, but accomplished little because of the outbreak of the border conflict with Ethiopia, and elections again were postponed, this time indefinitely. The government leadership also stated that public education and institutional structures were needed before multiparty democracy would be established.

In an effort to encourage broader participation by women in politics, the PFDJ named 3 women to the party's Executive Council and 12 women to the Central Committee in 1997. Women participated in the Constitutional Commission, are represented in local assemblies, and hold senior government positions, including the position of Minister of Justice.

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

The Ministry of Foreign Affairs and the Ministry of Internal Affairs are jointly responsible for handling human rights inquiries. All NGO's also must register with the Eritrean Relief and Refugee Commission. There are no domestic or international human rights organizations. In 1997 the Government proclaimed a policy restricting NGO activities to supporting the Government in the sectors of health and education. One human rights group, Citizens for Peace, was formed during the year to investigate and publicize Ethiopia's deportation of Eritreans.

In 1995 the Government proclaimed that religious organizations, including religious-based NGO's, could not engage in development activities. The Government also removed religious-based indigenous NGO's completely from relief work in order to prevent the development of church-based organizations receiving money from abroad (see Section 2.d.). In January religiously affiliated organizations were prohibited from running kindergartens, and in May the Government announced that all schools run by the Catholic church were to be incorporated into the state system (see Section 2.d.).

A governmental proclamation issued in 1996 required that all private NGO's hire only those who have completed their national service. This proclamation was part of the Government's effort to establish a national service program as a legal obligation of all citizens regardless of their religious beliefs.

All foreign staff members of NGO's or any non-diplomatic organization who live and work in the country for more than 183 days must pay the highest income tax rate, 38 percent of their salaries and allowances. In January the Government ordered the remaining NGO's to close down their programs, allegedly because they wasted too much money on administrative costs. Most NGO's left by mid-year, although several remained at year's end including Dutch Interchurch Aid, Norwegian Church Aid, Lutheran Church Aid, and Africare. These NGO's have small offices, local staff only and channel money to the Government. Observers believe that they face minimal risk of being shut down.

In July the ICRC opened an office in the country. The ICRC was granted full access to assist those Ethiopians who wished to depart Eritrea and coordinated with its counterpart office in Addis Ababa to supervise cross-border exchanges. The ICRC also was permitted access to the few Ethiopians who remained in detention. However, the ICRC was not permitted to visit Ethiopian POW's (see Section 1.c.).

The Government expelled all UNHCR foreign staff members for the country in 1997 (see Section 2.d.); however, in May the Government allowed them to return.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

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

Women

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

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

The law requires that women between the ages of 18 and 40 participate in the national service program.

Children

The Ministry of Labor and Human Welfare is responsible for government policies concerning the rights and welfare of children. The Government in 1996 created the Children's Affairs Division under the Ministry of Labor and Human Welfare. The Children's Affairs Division covers childcare, counse-

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

People With Disabilities

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

Section 6 Worker Rights

a. The Right of Association

There are no government restrictions regarding the formation of unions, including in the military, the police, and other essential services. Labor association is encouraged by the Government, which promulgated Proclamation 8 in 1991 providing workers with the legal right to form unions and to strike to protect their interests. The National Confederation of Eritrean Workers (NCEW), which was part of the EPLF during the war, is independent of both the Government and the PFDJ. It represents over 20,000 workers from 129 unions and receives some assistance from the ILO, and foreign union organizations. The largest union is the Textile, Leather, and Shoe Federation. There were no strikes reported during the year.

Unions may affiliate internationally, although none attempted to do so.

b. The Right to Organize and Bargain Collectively

The International Labor Organization (ILO) provided assistance in 1993 to prepare the draft labor code, which prohibits antiunion discrimination by employers and establishes a mechanism for resolving complaints of discrimination. In 1995 the Government indicated its intention to ratify several key ILO conventions on labor, but still has not done so. The NCEW continues to press for ratification of the ILO conventions, although the Ministry of Labor and Human Welfare indicated that ratification might not occur for some time. Wages are determined by the market.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

There is no law prohibiting forced or compulsory labor, but it is not known to occur. All citizens between the ages of 18 and 40 are required to participate in the National Service Program, which inclu-

des military training as well as civic action programs. High school students also are required to participate in a summer work program, for which they are paid.

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

The legal minimum age for employment is 18 years, although apprentices may be hired at age 16. While the Ministry of Labor and Human Welfare is responsible for the enforcement of laws pertaining to the employment of children, there is no inspection system in place to monitor compliance. The Government has not ratified the ILO Convention on the Prohibition of Child Labor. According to labor officials, 50 percent of children are not able to attend school due to a shortage of schools and teachers. It is common for rural children who do not attend classes to work on their family farms, and in urban areas, some children are street vendors of cigarettes, newspapers, or chewing gum. The law does not prohibit forced or bonded labor, including that performed by children, but there were no reports that it occurred (see section 6.c.).

e. Acceptable Conditions of Work

There are two systems regulating employment conditions, the civil service system, and the labor law system. There is no legally mandated minimum wage in the private sector. In the civil service sector wages vary from \$34 to \$400 (250 to 3000 nakfa) per month, with factory workers in government-owned enterprises earning the highest wages. The minimum wage does not provide the average worker and family with a decent standard of living.

The standard workweek is 44 1/2 hours, but many persons work fewer hours. There is no legal provision for a day of rest, but most workers are allowed 1 to 1 1/2 days off per week. The Government has instituted occupational health and safety standards, but inspection and enforcement vary widely among factories. Workers are permitted to remove themselves from dangerous work sites without retaliation.

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