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2023 Trafficking in Persons Report: Eritrea

ERITREA (Tier 3)

The Government of Eritrea does not fully meet the minimum standards for the elimination of trafficking and, even considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity, is not making significant efforts to do so; therefore Eritrea remained on Tier 3. During the reporting period, there was a government policy or pattern of forced labor in its compulsory National Service, local citizen militia, and in public works projects. The government continued to exploit its nationals in forced labor, via its compulsory National Service and local citizen militia, by forcing them to serve for indefinite or otherwise arbitrary periods. Officials did not demobilize most individuals from government work units after their mandatory period of service, but rather the government forced citizens to serve indefinitely under threats of detention, torture, or familial reprisal. Additionally, the government directed policies that perpetuated the mobilization of children for forced labor in public works projects, usually within the agricultural sector, during the student summer work program, locally known as *Maetot*. The government did not demonstrate any efforts to address human trafficking.

PRIORITIZED RECOMMENDATIONS:

- Enforce existing limits on the length of active National Service to 18 months (as set forth in the Proclamation of National Service 11/199) and demobilize individuals who have exceeded the service limit.
- End government policies or actions that compel the mobilization of forced labor within the summer student work program.
- Cease the unlawful recruitment or use of children by armed forces and provide appropriate protection services to demobilized child soldiers.
- Enact and implement an anti-trafficking law that criminalizes all forms of trafficking and prescribes penalties that are sufficiently stringent and, with respect to sex trafficking, commensurate with those prescribed for other grave crimes.
- Develop and implement procedures to identify trafficking victims and refer all victims to services.
- Extend existing labor protections to persons performing National Service and other mandatory citizen duties.
- Allow Eritreans to choose their form of work and leave their employment at will.
- Train government officials at all levels to identify, investigate, and prosecute trafficking crimes.
- Partner with international organizations and NGOs to combat human trafficking.

PROSECUTION

The government did not report any 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 and, with respect to sex trafficking, commensurate with punishments prescribed for other serious crimes, such as kidnapping. The law did not criminalize sex trafficking of adult men. Article 297 criminalized enslavement and prescribed penalties of seven to 16 years' imprisonment, which were sufficiently stringent. Article 299 criminalized forced labor and prescribed penalties from six to 12 months' imprisonment or a fine of 20,000 to 50,000 nakfa (\$1,330 to \$3,330). These penalties were not sufficiently stringent. The government did not report efforts to amend its law.

The government has not reported investigating, prosecuting, or convicting any traffickers for the last 15 years. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking crimes; however, official complicity in trafficking crimes remained a significant concern, inhibiting law enforcement action during the year. The government continued to enforce arbitrary limits to the compulsory National Service. Reports alleged some partially or wholly government-funded enterprises employed National Service workers. An international organization reported the Eritrean Defense Force (EDF) forcibly recruited and used children in military combat in Ethiopia. Reports alleged officials potentially detained, forced into military training, or in some instances conscripted children who attempted to leave Eritrea or who failed or refused to attend school, including unaccompanied children and children as young as 14 years old. For the third consecutive reporting period, the government did not report providing anti-trafficking training to law enforcement.

PROTECTION

The government did not report any victim protection efforts. The government has not reported any efforts to identify trafficking victims or provide services for the past eight years. The government did not report having formal procedures to proactively identify and refer trafficking victims to care. The government did not report information on services provided to trafficking victims. Individuals in rural communities generally lacked access to protection services of any kind. Observers reported that due to a lack of formal identification procedures, authorities likely detained and arrested some unidentified trafficking victims. In some cases, the government purposefully arrested and prosecuted Eritreans fleeing the National Service. The government did not report providing foreign victims with legal alternatives to their removal to countries where they faced retribution or hardship; however, Eritrea maintained a policy against forced deportations. Eritrean law required offenders in all crimes to pay restitution, although victims had the option of suing in civil court rather than have the criminal court impose it. There were no reports courts imposed this penalty for trafficking crimes.

PREVENTION

The government did not report any efforts to prevent trafficking. The government reportedly maintained an interagency steering committee on human trafficking and migration issues; however, the government did not report any action taken by the steering committee for the third consecutive year. The government did not report efforts to raise awareness of trafficking. The Ministry of Labor and Social Welfare's Labor Inspection Division was responsible for inspecting work sites for indicators of forced labor, including forced child labor; however, labor inspectors did not receive training on trafficking laws or report identifying any potential trafficking crimes. The government did not report efforts to reduce the demand for commercial sex acts or provide anti-trafficking training to its diplomatic personnel.

TRAFFICKING PROFILE:

As reported over the past five years, human traffickers exploit domestic victims and potentially exploit foreign victims in Eritrea, and traffickers exploit victims from Eritrea abroad. Proclamation 82 of 1995 requires all persons ages 18 to 40 years to perform compulsory active National Service ostensibly for a period of 18 months – six months of military training followed by 12 months of duty in a variety of military, security, or public service positions. However, since the 1998-2000 Eritrean-Ethiopian border conflict, the 18-month limit has been suspended; the government does not demobilize most individuals from government work units after their mandatory period of service but rather forces citizens to serve indefinitely under threats of detention, torture, or familial reprisal. National Service takes a wide variety of forms, including office work in government agencies and enterprises (functions ranging from lawyers, diplomats, and mid-level managers to

skilled technicians and mechanics, to clerical, maintenance, and janitorial work); medical professionals; elementary and secondary school teachers; construction or other types of physical labor; and active military duty, which constitutes a small and diminishing percentage. Reports also allege officials force National Service workers to work in mining enterprises partially owned by the government; specific instances alleged have involved white collar occupations in mine management, technical analysis, and/or government oversight responsibilities. Conditions are often harsh for those in military service or physical labor, although some National Service members experience normal civilian workplace conditions, albeit with low pay and, in many cases, lack of freedom to pursue alternative employment opportunities. International organizations report the government often subjects conscripts in the National Service to inhuman and degrading punishment, including torture, without recourse and punishes individuals that conscientiously object to service; the government continues to force conscripts to serve for indefinite or otherwise arbitrary periods. Additionally, the government broadly restricts recruitment of Eritreans to work abroad, denying travel to most Eritreans, including those enrolled in National Service and those who have not yet performed National Service. The government may release some Eritreans from National Service after an indefinite number of years; however, the government requires individuals to submit a petition to the government based on criteria that shift periodically, are not transparent, and often involve corrupt practices. Policies and practices for obtaining release from National Service are inconsistent across organizations and job fields, but officials generally release expectant mothers and individuals who can show they have become the sole or primary source of familial support. Certain professions, including medical and education roles, exist almost exclusively within the ranks of the National Service. National Service workers without educational or vocational qualifications continue to be paid extremely low wages, and the government often substitutes food or non-food rations for wages.

In addition to National Service, the government instituted a compulsory citizen militia in 2012, requiring medically fit adults, up to age 70 and not currently in the military, to join their local militia. This requirement compels individuals to carry firearms and attend military training. Local militia leaders assign individuals to additional unpaid forced labor in agriculture work, guard duties, or national development programs, such as soil and water conservation projects on a part-time basis. EDF officials and local militias forcibly mobilized Eritreans of military age (18 to 60 years old) and deployed individuals to northern Ethiopia during the conflict from November 2020 to November 2022.

All 12th-grade students are required to complete their final year of high school education at the *Warsay-Yikealo* Secondary School, which is embedded within the *Sawa* military and training academy; those who refuse to attend cannot receive high school graduation certificates, attain higher education, or obtain certain types of jobs. The program comprises seven months of academic instruction, followed by four to five months of basic military training. It remains likely some students are age 17 at the time of their participation in the military training component of the *Warsay-Yikealo/Sawa* academy. Upon graduation from *Sawa*, the government requires the vast majority of students to participate in National Service in either civilian or military roles. Government policy bans persons younger than 18 from military conscription; however, there are no reports of an age verification procedure applied prior to sending new *Sawa* graduates to active military service. New reports during the reporting period indicated officials potentially detained, forced into military training, or conscripted children who attempted to leave Eritrea or who failed or refused to attend school, including unaccompanied children and children as young as 14 years old; some of these children were also reportedly mobilized. Authorities generally did not inform parents of their children's underage forced conscription. An international NGO reports officials exploit some *Sawa* students in forced labor on either privately-owned commercial farms or *Sawa*-owned farms. NGOs also report military commanders regularly exploit girls in military training or service in domestic servitude and sex trafficking, often promising the girls food or easier treatment during trainings in exchange for sex.

In 2021, the Ministry of Education and the Ministry of Agriculture reinstated its national, mandatory summer work program, locally known as *Maetot*, after discontinuing the program in 2018 due to reported budgetary constraints. In 2022, the government mobilized children, primarily in grades nine and 10, for compulsory labor in public works projects, usually within the agricultural

sector, during the summer. The government may have imposed fines on children who did not participate in the program and potentially refused school enrollment in the next academic year to students who did not pay fines.

Eritrea's strict exit control procedures and limited issuance of passports compel those who cannot obtain exit visas or passports to travel clandestinely, increasing their vulnerability to trafficking abroad. Perennially, thousands of Eritreans flee the country to reunite with family members already overseas; escape human rights abuses, including arbitrary arrest and detention, lack of due process, and religious persecution; search for better economic opportunities; or avoid indefinite periods of service in the government's National Service program. Most Eritreans consensually commence their outbound journeys by paying migrant smugglers, with the ultimate goal of seeking asylum in Europe or, at a minimum, obtaining refugee status in Ethiopia, Kenya, Egypt, Israel, or Uganda; some also strive to reach the United States. An international organization assesses that many Eritrean asylum seekers, particularly those who flee the National Service, express well-founded fears of persecution in Eritrea. Eritreans fleeing the country and Eritrean refugees in neighboring countries remain particularly vulnerable to the government indiscriminately arresting, detaining, harassing, or forcibly recalling them into the National Service. In 2019, an international organization assessed traffickers exploited Eritreans in forced labor and sex trafficking in Sudan, Ethiopia, and Libya. Previous reports allege international criminal groups kidnap vulnerable Eritreans living inside or in proximity to refugee camps, particularly in Sudan, and transport them to Libya, where traffickers subject them to human trafficking and other abuses, including extortion for ransom. Some Eritreans report traffickers forcing them to work as cleaners or on construction sites during their captivity.

Reports indicate the EDF, alongside Ethiopian federal and regional forces, committed widespread human rights abuses and gender-based violence against women and girls in Tigray, including potential trafficking crimes, between the beginning of the conflict in northern Ethiopia in November 2020 and the signing of the Cessation of Hostilities Agreement between the Ethiopian government and the Tigrayan People's Liberation Front in November 2022. Observers report unspecified military personnel, which may have included the EDF, and other officials forced women to have sex in exchange for basic commodities and humanitarian assistance. International organizations report the EDF forcibly recruited and used children in military combat in Ethiopia. The People's Republic of China (PRC) nationals employed in Eritrea at worksites affiliated with the PRC's Belt and Road Initiative are vulnerable to forced labor, including in construction and mining.