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Eritrea: Administrative structure and civil documents

Introduction

The following note describes the administrative structure in Eritrea, the registration of vital events and the issuance of related civil documents. The note will include descriptions of the concrete issuance procedures for birth certificates, death certificates, civil and religious marriage certificates and divorce certificates. The note will conclude with an assessment of the level of corruption and the trustworthiness of Eritrean civil documents.

Access to information

Reliable information regarding the governance and administrative procedures in Eritrea is difficult to access, often anecdotal and the available information is sometimes contradictory. Credible sources are rare as foreigners have long been denied access to the country and those in power have cut off all unnecessary communication with the outside world.¹

The Eritrean administration

Eritrea is a highly centralised and authoritarian regime under the control of President Isaias Afwerki.² The 1997 Constitution has not been implemented and there is no official division of power, which allows for direct presidential intervention.³ According to Lifos, the communication between state institutions is deficient, which creates delays, disagreements and inconsistencies. In addition, widespread arbitrariness in the public administration creates a discrepancy between the written laws and their application in practice. According to Lifos, it is likely that the system is deliberately confusing and opaque in order to deter Eritreans from contacting the authorities.⁴ In addition, there is a presumption that many of the institutions are mere facades, while President Isaias Afwerki and a select group of advisers and military personnel rule by decree.⁵

¹ Landinfo, 14 January 2019, pp. 1-2; Lifos, 18 July 2018, p. 5; EASO, May 2015, p. 11; HRW, 2020.

² Lifos, 26 April 2018, p. 5; Ministerie van Buitenlandse Zaken, 6 February 2017, p. 34.

³ EASO, May 2015, p. 26; Landinfo, 29 April 2013, p. 7.

⁴ Lifos, 26 April 2018, p. 6.

⁵ EASO, May 2015, p. 26.

The political-administrative system in Eritrea draws on more than two legal traditions and the judicial system is composed of civil law, socialist law, Islamic law, customary law, colonial law, and authoritarian revolutionary dogma.⁶ This pluralism manifests itself e.g. as Muslims are officially allowed to use sharia law.⁷ Because the president's decrees overrule official legislation, the judicial system cannot be considered independent.⁸

Since 1996, Eritrea has been divided into six regions, called zobas:

- Maekel with capital in Asmara
- Debub with capital in Mendefera
- Gash-Barka with capital in Akurdet
- Anseba with capital in Keren
- Semienawi Keyih Bahri with capital in Massawa
- Debubawi Keyih Bahri with capital in Assab

The six zobas are divided into 54 sub-zobas (also called nus-zobas), which in turn are divided into approximately 2,000 municipalities (called kebabi). A kebabi, which covers an urban district or village, is divided into a number of sub-administrations called adi, but they do not have an administrative function, which is why the kebabi is considered the lowest level of administrative authority and the entry point for the citizens. The city of Asmara is divided into thirteen sub-zobas with no further subdivision.⁹

Population registers and issuance of civil documents

There exists no national population register in Eritrea.¹⁰ Every zoba keeps an electronic population register introduced first in zoba Maekel in 2003. The databases are updated by the sub-zoba administrations, from which print-outs can be obtained for various purposes.¹¹

Many citizens hold residence cards that include a reference number to the electronic population register. The reference number is also known as the ASC-number or the social security number. This reference number starts with a three-letter code; the first two letters refer to the zoba:¹²

- AS = Maekel
- ZD = Debub
- GB = Gash-Barka
- KE = Anseba
- SK = Northern Red Sea

⁶ Law Explorer, 19 March 2016; Landinfo, 29 April 2013, p. 7.

⁷ Landinfo, 29 April 2013, p. 7; EASO, May 2015, pp. 27, 56.

⁸ EASO, May 2015, p. 27.

⁹ EASO, May 2015, pp. 7, 17-18.

¹⁰ Lifos, 18 July 2018, p. 14; Landinfo, 29 April 2013, p. 9.

¹¹ EASO, May 2015, p. 55.

¹² EASO, May 2015, p. 55; Ministerie van Buitenlandse Zaken, 6 February 2017, p. 23.

- DK = Southern Red Sea

The third letter indicates whether the number relates to an individual (C) or a family (F).¹³ Hence, the reference number to an individual's data in zoba Maekel's electronic population register begins with ASC and a family number from zoba Maekel with ASF. During a visit to local authorities in Massawa in 2018, Lifos could further confirm, that individuals' reference numbers in the Northern Red Sea Region's electronic population register began with SKC.¹⁴ According to the Dutch Ministry of Foreign Affairs, this individual reference number is still sometimes referred to as the ASC number when the residence card in question is issued by other zobas than zoba Maekel (AS = Maekel).¹⁵

Every kebabi administration has a handwritten family register, where all information about a family is registered and updated in the event of change. The kebabi offices do not issue ID documents but when data needs to be transferred to another administrative unit, e.g. sub-zoba level, the kebabi office issues a blue 'transfer letter'. Changes in the status of a family member (such as marriage, birth or death) must be recorded in the Kebabi family register.¹⁶ If one is prevented from appearing in person for the registration of personal data at the sub-zoba administration, it is possible to send a representative with a power of attorney certified by a notary.¹⁷

In zoba Maekel, birth, marriage, divorce and death certificates are issued at the civil registry of the municipality of Asmara. There are various procedures for the issuance of official documents and the documents may differ in layout, font, content, and/or format. Citizens of other zobas than zoba Maekel may therefore apply for official civil certificates from the civil registry office in Asmara e.g. for the purpose of using the certificate abroad.¹⁸

A civil certificate is an A4 sheet bearing some specific stamps and signatures. The certificate does not contain any security features and differ in appearance from zoba to zoba.¹⁹

Issuance abroad

According to the Dutch Ministry of Foreign Affairs, civil documents are not issued at Eritrean diplomatic representations but it is possible to have civil documents issued by proxy.²⁰ According to EASO, an individual in Eritrea can be authorised, via an Eritrean diplomatic representation, to collect the required document from the relevant authority in the recipient's former place of residence.²¹ Eritreans living

¹³ EASO, May 2015, p. 55.

¹⁴ Lifos, 18 July 2018, pp. 15-16

¹⁵ Ministerie van Buitenlandse Zaken, 6 February 2017, p. 23.

¹⁶ Ministerie van Buitenlandse Zaken, 6 February 2017, p. 19.

¹⁷ Staatssekretariat für Migration SEM, 21 January 2021, p. 9

¹⁸ Ministerie van Buitenlandse Zaken, 6 February 2017, p. 19.

¹⁹ EASO, May 2015, p. 55.

²⁰ Ministerie van Buitenlandse Zaken, 6 February 2017, pp. 24-25.

²¹ EASO, May 2015, p. 55.

abroad must be able to document that they have paid the required 2 % income tax to the Eritrean state, as well as provide copies of ID cards and passports.²²

However, according to Immigration and Refugee Board of Canada, it is possible to obtain an Eritrean birth certificate through the Eritrean embassy in Riyadh. According to the consulted representative from the Embassy of the State of Eritrea to Saudi Arabia, the applicant must register at the embassy in person beforehand, possess a valid five-year passport, and apply for or already have received an Eritrean national ID. The embassy representative indicated that birth certificates obtained through the embassy in Riyadh are similar to those issued in Eritrea.²³

Birth certificates

Birth registration is mandatory and according to the Dutch Ministry of Foreign Affairs, parents who fail to register a birth within three months may be subject to fines or even imprisonment.²⁴ Birth certificates can be issued for a considerable time after birth.²⁵

Exact and detailed information on the issuance procedure of birth certificates in Eritrea is difficult to acquire. According to the Dutch Ministry of Foreign Affairs, the first step is to register the birth in the family register at the local kebab office. For this, birth documentation for the new-born child and a vaccination certificate must be submitted. Birth documentation could be a church baptismal certificate. The kebab office then issues the blue 'transfer letter' with all the relevant information for the sub-zoba office. This letter must be signed by three witnesses. Parents are supposed to submit the transfer letter, birth documentation and their residence cards to the sub-zoba. The data is entered into the database, and the hardcopies are stored in an archive.²⁶

Birth certificates include information about the date of issue, the registration number, the names of the father, mother and new-born child, the date and place of birth, gender and address. Birth certificates issued in Asmara include, the ASC number.²⁷ Birth certificates are issued in Tigrinya but can be issued in English on request.²⁸

Death certificates

There are no fixed or automatic routines for death registration and issuance of death certificates in Eritrea.²⁹

According to the Dutch Ministry of Foreign Affairs, the procedure is as follows: If a patient dies in a hospital, the date and cause of death are recorded on the hospital

²² Landinfo, 29 April 2013, p. 11.

²³ Canada: Immigration and Refugee Board of Canada, 17 July 2017.

²⁴ Ministerie van Buitenlandse Zaken, 6 February 2017, p. 24.

²⁵ Ministerie van Buitenlandse Zaken, 6 February 2017, p. 24.

²⁶ Ministerie van Buitenlandse Zaken, 6 February 2017, p. 24.

²⁷ Ministerie van Buitenlandse Zaken, 6 February 2017, p. 24.

²⁸ Landinfo, 29 April 2013, p. 10.

²⁹ Ministerie van Buitenlandse Zaken, 6 February 2017, p. 26; Landinfo, 29 April 2013, p. 14.

admission card. If a death does not occur in a hospital, witness statements can be used as confirmation. In principle, the family completes a form with the details of the deceased for the purposes of the funeral. The deceased is then registered in the handwritten family register of the kebabi office.³⁰ The kebabi office then issues a 'death letter' to the sub-zoba, where the death is registered in the digital database. When a death is registered, the deceased is automatically removed from the relevant file of the database and the sub-zoba can issue a death certificate.³¹ The required documentation for the issuance of this certificate is the deceased's ID card, documentation of the deceased's place of residence and confirmation of the death from the hospital or a witness statement.³²

The certificate must contain the following information:

- Name of the deceased
- Date of birth and place of birth
- Date of death
- Cause of death and information about any spouse (name, date of birth, place of birth and date of marriage)³³

If a soldier dies in national service, the family receives a certificate confirming the deceased's status as a martyr. The certificate does not address the cause of death in further detail.³⁴

Death certificates are issued in Tigrinya and/or in English.³⁵

Marriage in Eritrea

The legal framework for marriage in Eritrea is the Civil Code 2015. It is, however, unknown whether the civil code has been implemented, and if so, to what extent the code is actually followed.³⁶

According to the civil code's article 556, three types of marriages are recognised: civil, religious and traditional.³⁷ Formally, the minimum age for entering into a legally valid marriage, no matter the type, is 18 years for both genders but a number of exceptions exist, i.e. if contracted according to sharia; if both parties are at least 16 years old and the bride can document that she is pregnant or has already given birth; and if exception is granted by the Ministry of Justice.³⁸

³⁰ Ministerie van Buitenlandse Zaken, 6 February 2017, p. 26.

³¹ Ministerie van Buitenlandse Zaken, 6 February 2017, p. 26.

³² Landinfo, 29 April 2013, p. 14.

³³ Landinfo, 29 April 2013, p. 14.

³⁴ Landinfo, 29 April 2013, p. 14.

³⁵ Landinfo, 29 April 2013, p. 14.

³⁶ Landinfo, 29 April 2013, pp. 2-3.

³⁷ Landinfo, 5 April 2017, p. 1.

³⁸ Landinfo, 5 April 2017, p. 2; Landinfo, 29 April 2013, p. 13.

Civil marriage registration

There is no consensus about what administrative level that is actually responsible for civil marriage registration. The confusion might be because registration is required at several administrative levels concurrently and because procedures in zoba Maekel is different from other zobas. According to Landinfo, the law prescribes that a marriage must be registered with the public registration office at zoba level within 60 days after the marriage has been contracted.³⁹ When a marriage is registered, a civil marriage certificate is issued. It is often first when the couple needs a civil marriage certificate that the marriage is registered.⁴⁰

During registration an application form is completed, which includes the following information:

- Full names of both spouses
- Information about the time of the marriage
- A statement of truth that the application and documentation submitted are genuine
- Signature of the person registering the marriage⁴¹

Civil marriage certificates

Besides the application form, the couple must also present the following documentation in order to get the civil marriage certificate issued:

- Birth certificate
- ID card
- Certificate from religious community if religious marriage
- Certificate from the court if civil marriage
- Certificate from the village or the village elder if traditional marriage⁴²

A civil marriage certificate contains the following information:

- Pictures of bride and groom
- Full names of both spouses
- Signature of both spouses
- ID number of both spouses
- Date of birth of both spouses
- Place of birth of both spouses
- Address of both spouses
- Date and place of registration at the public registration office

³⁹ Landinfo, 5 April 2017, pp. 2-3; Ministerie van Buitenlandse Zaken, 6 February 2017, p. 25; EASO, May 2015, p. 55.

⁴⁰ Landinfo, 5 April 2017, pp. 2-3.

⁴¹ Landinfo, 5 April 2017, p. 2.

⁴² Landinfo, 29 April 2013, p. 13.

- It also says: “The Public Registration Office of (name of zoba) made the registration of marriage on (date). This marriage certificate is issued for the purpose of any legal effect.”⁴³

Religious and traditional marriages and religious marriage certificates

For church and traditional marriages, registration in the family register at the kebabi office is required before the registration in the digital database at the sub-zoba office. This is because the couple must provide the ‘transfer letter’ from the kebabi as well as identity cards, residence cards and birth certificates of the couple. These documents, or copies of them, are archived in the office of the sub-zoba.⁴⁴

Religious marriage certificates are issued at the church or mosque. Catholic and Orthodox churches maintain their own handwritten records. These are used to issue baptismal and marriage certificates, which can subsequently be used as a basis for birth certificates and civil marriage certificates. Islamic marriage, birth, and death certificates are issued by the sharia courts and not the mosques, as the sharia courts are integrated into the civil courts at the various administrative levels and thus form part of the state’s system of justice. If a marriage is contracted in a mosque, it must also be registered with the sharia courts.⁴⁵ It is unknown whether it is required for a Muslim marriage to be registered at the kebabi office before the registration at the public registration office at zoba/sub-zoba level.

According to EASO, religious marriage certificates are not recognised by the authorities as official marriage certificates or as valid proof of identity, but are used as breeder documents to register a marriage at kebabi and sub-zoba level.⁴⁶

Although the appearance of religious marriage certificates may vary, they should all, according to article 112 of the civil code, include information about the spouses (name, date and place of birth), information about the witnesses, (name, date and place of birth) and the date the marriage was solemnised.⁴⁷

Corruption and the trustworthiness of Eritrean civil documents

According to Transparency International’s Corruption Perceptions Index 2021, Eritrea scores 22 out of 100 with 0 being highly corrupt and 100 being very clean.⁴⁸

As the Constitution of Eritrea has never been fully implemented, the independence of the judiciary is not protected. According to Landinfo, this means that the courts are politically controlled. Corruption is present in both the judiciary and the civil administration and it is fairly easy to obtain genuine passports and other documents containing false information. According to Landinfo, one of the reasons for this is that authorities, in general, accept a citizen’s identity if he/she can present

⁴³ Landinfo, 5 April 2017, p. 3.

⁴⁴ Ministerie van Buitenlandse Zaken, 6 February 2017, p. 25.

⁴⁵ EASO, May 2015, p. 56.

⁴⁶ EASO, May 2015, p. 56; Ministerie van Buitenlandse Zaken, 6 February 2017, pp. 24-25.

⁴⁷ Landinfo, 5 April 2017, p. 2.

⁴⁸ Transparency International, 2021.

three witnesses who support the claim. This is the case even if the claim is contradictory to previous statements and other information.⁴⁹

The civil certificates contain stamps and signatures but no security features and there is no standard format between zobas.⁵⁰ Furthermore, spelling mistakes in genuine certificates are not uncommon, even in titles and stamps. According to Landinfo, the lack of trustworthiness is greatest for birth and marriage certificates.⁵¹

Counterfeit Eritrean documents

According to a public report from the Dutch Ministry of Foreign Affairs, many Eritrean documents are forged and according to Landinfo, there exists a significant black market for counterfeit Eritrean ID documents, e.g. in Ethiopia. According to the Dutch Ministry of Foreign Affairs, Eritreans in Sudan can buy a Sudanese foreign card from the police for 70 Sudanese pounds. Name, date of birth and picture for the card is chosen by the buyer without the need for documentation.⁵²

According to a public report from the Dutch Ministry of Foreign Affairs, many marriages are contracted in Sudan between Eritreans from the diaspora and Eritreans living in Sudan. In Ethiopian and Eritrean churches, advertisements in Tigrinya are displayed bearing the phrase 'business marriage'. In return for substantial financial compensation, the Eritrean man in Europe offers to marry an Eritrean woman living in Sudan. Marriage certificates issued by the Eritrean church can easily be legalised in Sudan.⁵³

⁴⁹ Landinfo, 29 April 2013, p. 17.

⁵⁰ EASO, May 2015, p. 55.

⁵¹ Landinfo, 29 April 2013, p. 18.

⁵² Ministerie van Buitenlandse Zaken, 6 February 2017, p. 31; Landinfo, 29 April 2013, p. 17.

⁵³ Ministerie van Buitenlandse Zaken, 6 February 2017, p. 31.

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