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2008 Country Reports on Human Rights Practices - Eritrea

Bureau of Democracy, Human Rights, and Labor
February 25, 2009

Eritrea, with a population of approximately 5.5 million, is a one-party state that became independent in 1993 when citizens voted for independence from Ethiopia. The People's Front for Democracy and Justice (PFDJ), previously known as the Eritrean People's Liberation Front, is the sole political party and has controlled the country since 1991. The country's president, Isaias Afwerki, who heads the PFDJ and the armed forces, dominated the country, and the government continued to postpone presidential and legislative elections; the latter have never been held. The border dispute with Ethiopia continued, despite international efforts at demarcation. The situation was used by the government to justify severe restrictions on civil liberties. Civilian authorities generally maintained effective control of the security forces.

The government's human rights record remained poor, and authorities continued to commit numerous, serious abuses, including: abridgement of citizens' right to change their government through a democratic process; unlawful killings by security forces; torture and beating of prisoners, sometimes resulting in death; abuse and torture of national service evaders, some of whom reportedly died of their injuries while in detention; harsh and life threatening prison conditions; arbitrary arrest and detention, including of national service evaders and their family members; executive interference in the judiciary and the use of a special court system to limit due process; and infringement on privacy rights, including roundups of young men and women for national service and the arrest and detention of the family members of service evaders. The government severely restricted freedoms of speech, press, assembly, association, and religion. The government also limited freedom of movement and travel for expatriates, personnel of humanitarian and development agencies, and employees of the UN Mission to Eritrea and Ethiopia (UNMEE). Restrictions continued on the activities of nongovernmental organizations (NGOs). Female genital mutilation (FGM) was widespread, and there was societal abuse and discrimination against women, members of the Kunama ethnic group, homosexuals, and persons with HIV/AIDS. There were limitations on worker rights.

The government acted as a principal source and conduit for arms to antigovernment, extremist, and insurgent groups in Somalia, according to a June report issued by the UN Munitions Monitoring Group.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were reports that the government or its agents committed arbitrary or unlawful killings, including at least one politically motivated killing. The government was allegedly complicit in the death of a prominent businessman.

The government continued to authorize the use of lethal force against individuals resisting or attempting to flee during military searches for deserters and draft evaders, and the practice reportedly resulted in deaths during the year. Several persons detained for evading national service died after harsh treatment by security forces. There were reports that individuals were severely beaten and killed during roundups of young men and women for national service.

In May there were reports of summary executions and of individuals shot on sight near the Djibouti border, allegedly for attempting to flee military service. In June international news reports maintained that the Eritrean military shot at their own defecting soldiers who broke rank along the Djibouti border, instigating the Djibouti-Eritrea border conflict. In subsequent interviews with human rights groups, soldiers who broke rank claimed that the government issued a "shoot to kill" proclamation for deserters and escapees.

There were reports that some persons who were detained because of their religious affiliation died from security force abuse. The government did not investigate or prosecute any report of security force abuse.

According to the Government Commission for Coordination with the UN Peacekeeping Mission, an estimated three million landmines and unexploded ordnance remained from the 30-year war of independence and the 1998-2000 conflict with Ethiopia. Opposition groups reportedly laid new mines during the year. The Eritrean Demining Authority, in cooperation with the UN Mine Action Committee, continued demining activities in the Temporary Security Zone (TSZ) between Eritrea and Ethiopia.

b. Disappearance

Eritrean refugees and asylum seekers who were repatriated from other countries during the year reportedly disappeared. In June the government of Egypt repatriated several hundred Eritrean refugees and asylum seekers, all of whom were returned to their families, according to the government. Nevertheless, there were numerous reports from family members of missing individuals, mostly young men and women who had not completed national service. In May German immigration authorities returned two Eritrean nationals, neither of whom had been seen since their arrival in Asmara.

At year's end the whereabouts of 11 senior PFDJ and National Assembly members, at least 15 journalists, and several employees of diplomatic missions arrested by the government in 2001 remained unknown. In 2007 there were allegations that one of the 11 PFDJ officials had died in detention and that the rest were being held in solitary confinement.

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

The law and ratified but unimplemented constitution prohibits torture; however, there were numerous reports that security forces resorted to torture and beatings of prisoners, particularly during interrogations. There were credible reports that several military conscripts died following such treatment. Security forces severely mistreated and beat army deserters, draft evaders, persons attempting to flee the country without travel documents and exit permits, and members of certain religious groups. Security forces subjected deserters and draft evaders to such disciplinary actions as prolonged sun exposure in temperatures of up to 120 degrees Fahrenheit and the binding of hands, elbows, and feet for extended periods. No known action was taken during the year to punish perpetrators of torture and abuse.

There were reliable reports that torture was widespread in an unknown number of

detention facilities, corroborated by prison escapees. For example, authorities suspended prisoners from trees with their arms tied behind their backs, a technique known as "almaz" (diamond). Authorities also placed prisoners face down with their hands tied to their feet, a technique known as the "helicopter."

There were reliable reports that military officials tortured foreign fishermen captured in Eritrean waters.

Prison and Detention Center Conditions

Conditions for the general prison population were harsh and life-threatening. There were reports that prisoners were held in underground cells or in shipping containers with little or no ventilation in extreme temperatures. The shipping containers were reportedly not large enough to allow all of those incarcerated together to lie down at the same time.

There were credible reports that detention center conditions for persons temporarily held for evading military service were also harsh and life-threatening. Allegations from various sources suggested there may be hundreds of such detainees. Draft evaders were reportedly sent to the Wi'a military camp, where typically they were beaten. Some were held as long as two years before being reassigned to their units. At one detention facility outside Asmara, authorities continued to hold detainees in an underground hall with no access to light or ventilation and sometimes in very crowded conditions. Some detainees reportedly suffered from severe mental and physical stress due to these conditions. There were also reports of multiple deaths at the Wi'a military camp due to widespread disease and lack of medical care.

Although there is a juvenile detention center in Asmara, juveniles frequently were held with adults in prisons and detention centers. Pretrial detainees were not always separated from convicted prisoners.

During the year the government did not permit the International Committee of the Red Cross (ICRC) or any local human rights organizations to monitor federal, regional, or local prison conditions; however, the government granted the ICRC access to Ethiopian prisoners of war being detained in the country.

Authorities generally permitted convicted criminals in federal, regional, and local prisons three visits per week by family members; however, persons detained, arrested, or convicted for reasons of national security or for evading national service were denied family visits.

d. Arbitrary Arrest or Detention

The law and unimplemented constitution prohibit arbitrary arrest and detention; however, arbitrary arrest and detention remained chronic problems.

Role of the Police and Security Apparatus

Police are officially responsible for maintaining internal security, and the army is responsible for external security; however, the government can call on the armed forces, the reserves, and demobilized soldiers to meet either domestic or external security requirements. Agents of the National Security Office, which reports to the Office of the President, are responsible for detaining persons suspected of threatening national security. The military has the authority to arrest and detain civilians. Generally police did not have a role in cases involving national security, but they were heavily involved in rounding up individuals evading national service.

Police, who often were conscripted, were poorly paid, and corruption was a problem. During the year there were reports of police and other security forces committing crimes to supplement their income. Police typically used their influence as government officials

to assist friends and family. There were reports that police demanded bribes to release detainees and that military forces accepted money to smuggle citizens out of the country. There were no mechanisms to address allegations of official abuse, and impunity was a problem.

During the year the police, military, and internal security arrested and detained persons without due process and often used violence. Police forcibly arrested individuals on the street who were unable to present identification documents. Those in government national service were required to present "movement papers" issued by their offices or departments authorizing their presence in a particular location. Those persons who did not present "movement papers" were arrested.

Arrest and Detention

The law stipulates that detainees must be brought before a judge within 48 hours of their arrest and may not be held more than 28 days without being charged with a crime. In practice authorities often detained suspects for much longer periods. The law stipulates that unless there is a "crime in progress," police must conduct an investigation and obtain a warrant prior to making an arrest. In cases involving national security, this process may be waived. In practice very few individuals were arrested with a warrant. Authorities did not promptly inform detainees of charges against them and often changed the charges during the course of detainment. Detainees in prisons often did not have access to counsel or appear before a judge, and incommunicado detention was widespread, although detainees in police stations generally had access to legal representation and family members. Authorities provided indigent detainees with counsel on an irregular basis. There was a functioning bail system, except for persons charged with national security crimes or crimes that could carry the death penalty.

Security force personnel detained individuals for evading national service, generally for fewer than three days, and on other unspecified national security charges. Numerous detainees were arrested even if they had valid papers showing that they had completed, or were exempt from, national service.

Security forces also continued to detain and arrest the parents and spouses of individuals who evaded national service or fled the country (see section 1.f.).

No information was available on the numerous family members arrested and during 2006 security force operations.

The government does not recognize dual nationality, and during the year security forces arbitrarily arrested citizens holding other nationalities on national security charges. There were reports that plainclothes agents of the National Security Office entered homes without warrants and arrested occupants

Reports also indicated that persons with connections to high-level officials instigated the arrest of individuals with whom they had personal vendettas.

The government continued to arbitrarily arrest persons who spoke out against the government and members of nonregistered religious groups (see section 2.c.).

There were reports that the government continued to hold without charge numerous members of the Eritrean Liberation Front, an armed opposition group that fought against Ethiopia during the struggle for independence.

There were no developments in the 2002 arrests of individuals associated with the 11 PFDJ National Assembly members who were detained in 2001 or of Eritrean diplomats who were recalled from their posts. At least four Eritrean diplomats arrested in previous years, including former ambassador to China Ermias Debassai Papayo, remained in detention, as did Aster Yohannes, wife of former foreign minister Petros Solomon. Two citizens who worked for a foreign embassy have remained in detention without charge

since 2001. One of the two citizens who worked for a foreign embassy and were arrested in 2005 and 2006 remained in detention. Ten citizens employed with international and local NGOs remained in detention.

The government held numerous other detainees; however, there were widespread reports that it released many of them without bringing them to trial. The detainees included an unknown number of persons suspected of antigovernment speech or of association with the 11 former PFDJ members arrested in 2001. Suspected Islamic radicals or suspected terrorists also remained in detention without charge. Some have been detained for more than 10 years. These detainees reportedly did not have access to legal counsel and were not brought before a judge.

In August the government conducted a widespread round-up of citizens employed by local and international NGOs. Soldiers reportedly invaded NGO compounds, rounding up dozens of local employees. Many of these employees were later released; 10 remained in custody and were reportedly transferred to the Adi Abieto prison. At year's end they remained in detention.

e. Denial of Fair Public Trial

The law and unimplemented constitution provide for an independent judiciary; however, the judiciary was weak and subject to executive control. Judicial corruption remained a problem. The judicial process was influenced by patronage of former fighters who in many cases were judges themselves. Executive control of the judiciary continued; the Office of the President served as a clearinghouse for citizens' petitions to the courts or acted for the courts as arbitrators or facilitators in civil matters. The judiciary suffered from a lack of trained personnel, inadequate funding, and poor infrastructure that limited the government's ability to grant accused persons a speedy and fair trial. Public trials were held, but no cases involving individuals detained for national security or political reasons were brought to trial. The drafting into national service of many civilian court administrators, defendants, judges, lawyers, and others involved in the legal system continued to have a significant negative impact on the judiciary. The government has not issued licenses to lawyers wishing to enter private practice for nine years.

The text of the constitution was completed and ratified by the National Assembly in 1997. It contains provisions intended to promote fair trials; however, the constitution has not been implemented. The judicial system consists of civilian courts and "special courts." The civilian court system includes community courts, regional courts, and the High Court, which also serves as an appellate court. Appeals can be made in the civilian courts up to the High Court. Minor infractions involving sums of less than approximately 110,000 nakfa (\$7,300) are brought to community courts. More serious offenses are argued before regional courts, but the High Court is the court of first instance for a significant proportion of cases involving murder, rape, and other felonies. A single judge hears all cases except those argued before the High Court, where panels of three judges hear cases. A panel of five judges hears cases in which the High Court serves as the court of final appeal.

The executive-controlled special courts issue directives to other courts regarding administrative matters, although their domain was supposed to be restricted to criminal cases involving capital offenses, theft, embezzlement, and corruption. The Office of the Attorney General decides which cases are to be tried by a special court. No lawyers practice in the special courts. The judges serve as the prosecutors and may request that individuals involved in the cases present their positions. The special courts, which do not permit defense counsel or the right of appeal, allowed the executive branch to mete out punishment without regard for due process. Most trials in special courts were not open to the public.

Many civilian and special court judges are former senior military officers with no formal legal training. They generally based their decisions on "conscience" without reference to the law. There was no limitation on punishment, although the special courts did not

hand down capital punishment sentences during the year. The attorney general allowed special courts to retry civilian court cases, including those decided by the High Court, thereby subjecting defendants to double jeopardy. In rare instances appeals made to the Office of the President reportedly resulted in special courts rehearing certain cases.

Most citizens' only contact with the legal system was with the traditional community courts. In these courts judges heard civil cases, while magistrates versed in criminal law heard criminal cases. Customary tribunals were sometimes used to adjudicate local civil and criminal cases. The Ministry of Justice offered training in alternative dispute resolution to handle some civil and criminal cases.

Shari'a law for family and succession cases could be applied when both litigants in civil cases were Muslims. In these cases, the sentences imposed could not involve physical punishment.

Trial Procedures

The law and unimplemented constitution provide specific rights to defendants in the regular court system. Defendants have the right to be present and to consult with an attorney; however, many defendants lacked the resources to retain a lawyer, and government legal aid was limited to defendants accused of serious crimes punishable by more than 10 years in prison. Only in the High Court do the defendants have the right to confront and question witnesses, present evidence, gain access to government-held evidence, appeal a decision, and enjoy the presumption of innocence; these rights were upheld in practice. Rural courts followed customary law rather than constitutional law and were headed by rural elders or elected officials. Smaller cases in rural areas were encouraged to be reconciled outside the court system, while more substantial cases were reserved for the courts. These safeguards do not apply in the special courts. Trials were open to the public but were not heard by a jury; they were heard by a panel of judges.

Political Prisoners and Detainees

There were no confirmed reports of political prisoners; however, several hundred individuals were detained beginning in 2001 for political reasons. Many were perceived to have ties to political dissidents or were believed to have spoken against government actions. Most of these detainees had not been tried and did not have access to legal counsel. The ICRC was not authorized to visit these detainees, and no information was available of their condition or circumstances of detention.

Civil Judicial Procedures and Remedies

There are no civil judicial procedures for individuals claiming human rights violations by the government. For the majority of citizens there were few remedies available for enforcing domestic court orders; however, persons affiliated with the executive branch, former fighters, and persons with wealth could use their influence with the court to secure civil remedies before the law.

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

The law and unimplemented constitution prohibit such actions; however, the government did not respect these rights in practice.

The government deployed military and police throughout the country, using roadblocks, street sweeps, and house-to-house searches to find deserters and draft evaders. Security forces continued to detain and arrest parents of individuals who evaded national service duties or fled the country, along with their family members; however, unlike in previous years, there were no reports that such parents were fined or forced to turn their children in to the government. Government officials entered households and confiscated the property and livestock of draft evaders.

Additionally, there were reports of security forces arresting persons whose expatriate family members did not pay their extraterritorial income tax.

There were reports that security forces targeted gatherings of unregistered religious groups, regularly searched their homes, and detained their members. There were also reports the government sometimes seized the property of registered religious groups (see section 2.c.).

The government monitored mail, e-mail, and telephone calls without obtaining warrants as required by law. Government informers were believed to be present throughout the country.

There were reports that military and government officials seized residences and businesses belonging to private citizens and religious organizations and subsequently housed the families of senior military officers or government officials in the properties, used them for government or military functions, or reassigned ownership to government and military officials.

During the year the government demanded that departing NGOs hand over paperwork and documents to government officials. After the forced closure of several NGOs in 2005 and 2006, the government required that all NGO property be turned over to it, including such items as computers, printers, and vehicles.

In September 2007 government agents forcibly removed residents from their property in the Um Hajer and Goloj areas and the Gash Barka region; the property was then transferred to other settlers. The government failed to compensate foreigners for property taken by preindependence governments or to restore their property to them.

In 2006 the government reportedly forcibly resettled individuals residing in Massawa based on professed concerns for the security of the president. Individual houses and businesses were demolished without adequate compensation.

During the year the government denied parents permission to visit their minor children in Sawa Academy, an isolated and remote government-run school for all 12th grade students.

While membership in the PFDJ, the government's only sanctioned political party, was not mandatory for all citizens, the government coerced membership for certain categories of individuals, particularly those occupying government positions or assigned through national service to serve in government institutions. All citizens were forced to attend PFDJ indoctrination meetings irrespective of membership, and there were reports of threats to withhold the ration cards of those who did not attend. There were reports that similar meetings were mandatory for Eritrean communities abroad, with names of those not in attendance being reported to government officials. There were also reports that the government oppressed individuals who previously belonged to parties that were pro-Ethiopian prior to independence.

2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law and unimplemented constitution provide for freedom of speech and of the press; however, the government severely restricted these rights in practice. Citizens did not have the right to criticize their government in public or in private, and some who did so were arrested or detained. The private press remained banned, and most independent journalists remained in detention or had fled the country, which effectively prevented any public and media criticism of the government. The government intimidated the remaining journalists into self-censorship.

The government controlled all media, which included three newspapers, three radio

stations, and two television stations. The law does not allow private ownership of broadcast or other media. The government banned the import of foreign publications; however, individuals were permitted to purchase satellite dishes and subscribe to international media. The government had to approve publications distributed by religious or international organizations before their release, and the government continued to restrict the right of religious media to comment on politics or government policies. The press law forbids reprinting of articles from banned publications. The government also required diplomatic missions to submit all press releases for approval before their publication in the government media.

The government permitted three reporters representing foreign news organizations (AFP, Reuters, Al-Jazeera) to operate in the country; however, it frequently prevented them from filing stories with their news organizations.

The government created administrative obstacles one international journalist in February for not revealing his sources. The journalist was eventually forced to leave.

The Swedish reporter who was held by the government for nearly four years, released for medical treatment in 2005 and detained again a few days later, remained in detention without charge at year's end.

At least 15 local journalists who were arrested in 2001 remained in government custody at year's end. According to the NGO Reporters Without Borders on January 11, former journalist Fessehaye "Joshua" Yohannes, who had been detained since 2001 for publishing an open letter critical of the president, died as a result of life-threatening conditions in the Eiraeiro prison.

According to Reporters Without Borders, journalists who remained in detention at year's end included: Eri-TV journalists Ahmed "Bahja" Idris, Johnny Hisabu, Senait Tesfay, Fathia Khaled, and Amir Ibrahim; Radio Dimtsi Hafash employees Daniel Mussie and Temesghen Abay; and Yemane Haile of the Eritrean News Agency. All those detained, except Hisabu, who was held in a detention center in Barentu, were reportedly held in a police-run complex in Asmara known as Agip.

Some of the nine Ministry of Information journalists arrested in 2006 were released in 2007, and others remained in detention at year's end.

Internet Freedom

There were no official restrictions on the use of the Internet; however, all Internet service providers were required to use government-controlled Internet infrastructure to provide service. The government owned, either directly or through high-ranking PFDJ party members, the three Internet service providers. In urban areas, individuals were able to access the Internet through Internet cafes for a fee or through an at-home service provider. There were reports that the government monitored Internet communications.

Academic Freedom and Cultural Events

The government restricted academic freedom. In the academic context it did not respect freedom of speech, students' freedom of movement, or the right to assemble.

The government issued a directive in 2002 that reorganized the University of Asmara, which effectively shut down the university's undergraduate programs. As a result, prospective students have not been allowed to enroll in the university and instead were directed by the government to attend the Mai Nafhi Technical Institute. Students finishing high school were not permitted to choose their next course of study and were assigned to specific vocational programs based on their performance on the matriculation exam, but only those students completing military training at Sawa or receiving a medical waiver were allowed to sit for the exam. A few graduate-level

programs remained at the university; however, the law school was effectively closed, as new students were not permitted to enroll.

In 2007, 78 graduates of Asmara University issued a statement of concern regarding the government's efforts to blackmail students and graduates.

The government denied exit visas to many students who wanted to study abroad. University academics who wished to travel abroad for further study or training were required to seek permission in advance from the university president and the government.

The government monitored and controlled which films were shown at the cinema. International film festivals were closely monitored, and all films had to be approved by the government.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law and unimplemented constitution provide for freedom of assembly and association; however, the government did not permit freedom of assembly or association. For gatherings of more than three persons, the government required those assembling to obtain a permit, although this requirement was enforced sporadically. No information was available on the 40 women and elders who were arrested in 2006 when they gathered at the presidential palace in Asmara to ask for information about their husbands and family members, who had been detained in retribution for their children fleeing the country to evade national service; security forces arrested the women and elders for not having a permit to assemble.

Freedom of Association

The law and unimplemented constitution provide for freedom of association; however, in practice the government did not respect these rights.

The government did not allow the formation of any political parties other than the PFDJ.

c. Freedom of Religion

The law and unimplemented constitution provide for freedom of religion; however, the government restricted this right in practice. Only the four religious groups whose registrations had been approved by the government (Orthodox Christian, Muslims, Catholics, and Lutherans) were allowed to meet legally during the year. Security forces continued to abuse, arrest, detain, and torture members of nonregistered churches; at times such abuse resulted in death.

During the year there continued to be reports that security forces used extreme physical abuse such as bondage, heat exposure, and beatings to punish those detained for their religious beliefs. Numerous detainees were reportedly required to sign statements repudiating their faith or agreeing not to practice it as a condition for release. There also continued to be reports that relatives were asked to sign for detainees who refused to sign such documents. During the year a woman died from lack of medical attention while in the Wi'a military camp.

In October there were allegations that government authorities confiscated and burned more than 1,500 Bibles from incoming military trainees. Those who protested the burning were allegedly locked in metal shipping containers.

In November a member of the Full Gospel Church died at the Wi'a Military Training Center when refused malaria medications. This is reportedly the second death of the

year due to withholding of malaria medications, a practice security forces have allegedly used to force trainees to recant their faith.

In December the government arrested more than 17 leaders of "noncompliant" religious groups, including a prominent doctor.

In November credible reports stated the government arrested more than 110 evangelical Christians, including members of the Kalet Hiwot Church, the Full Gospel Church, and the Church of the Living God.

During the year the government seized the property of registered religious groups. For example, in June the government seized property belonging to the Catholic Church and ordered employees to vacate the building.

During the year there were reliable reports that Eritrean government officials in Kenya sanctioned the intimidation and harassment of an Eritrean religious official in Kenya.

The government arrested 19 Jehovah's Witnesses during the year. The government is actively seeking the arrest of additional members.

During the year there were credible reports of government officials being complicit in the physical abuse and torture of an Eritrean religious official in Nairobi. The same government officials were also reportedly responsible for threatening church members and seizing church funds. There were additional reports of the government being responsible for the deposing and the unknown whereabouts of three former Orthodox priests in Nairobi.

There were no developments in the September 2007 report that government officials tortured to death a woman who had been detained for more than 18 months at Wi'a Military Training Center because of her refusal to sign a letter renouncing her faith.

During the year there were reports that hundreds of followers of various unregistered churches (mostly Protestant) were detained, harassed, and abused. Many of those detained were held in military prisons for not having performed required national military service. Several pastors and dozens of women were among the imprisoned. Several were released after recanting their faith; however, many refused to recant and continued to be detained in civilian and military detention facilities across the country. While some were detained for short periods of time and released, approximately 3,000 individuals remained in detention at year's end because of their religious affiliation, according to the NGO Compass Direct.

In May the government issued religious officials from the four recognized religious groups a set number of identification cards and exempted them from military service requirements. Officials who were not awarded a card were told to report immediately for military training.

In November 2007 the government refused to renew residence and work permits for 12 foreign Catholic sisters and priests and ordered them to leave the country. An official characterized the order as a routine immigration issue not related to the freedom and independence of the Catholic Church. Foreign Catholic sisters continued to face difficulty in obtaining entry visas. As of December the last foreign Catholic sister had left the country. There were also reports of Catholic Church property being confiscated by the government (see section 1.e.).

The government effectively remained in charge of the Eritrean Orthodox Church. In 2006 the Holy Synod, under government pressure, deposed Patriarch Abune Antonios of the Eritrean Orthodox Church on charges that he had committed heresy and was no longer following church doctrine. The synod selected a new patriarch, Dioscoros. Deposed Patriarch Antonios remained under house arrest and at year's end continued to challenge the circumstances of Patriarch Dioscoros selection. The lay administrator appointed by

the government in 2005 remained the de facto head of the church; the administrator was neither a member of the clergy nor an appointee of the patriarch, as required by the constitution of the Eritrean Orthodox Church.

In 2006 the government established the practice of taking possession of the weekly offerings given by parishioners to the Orthodox Church. The government-appointed lay administrator of the Orthodox Church claimed that the government used the money from the offerings to pay priests and provide alms for the poor.

In 2006 two men died from injuries and severe dehydration in a military camp outside the town of Adi Quala, where they were held for conducting a religious service in a private home.

The government also continued to monitor, harass, threaten, and arrest members of the Orthodox Medhane Alem group, whose religious services it had not approved.

There were reports that the government in 2006 ordered the Kale Hiwot church to surrender all of its property to the government.

The government prohibited political activity by religious groups and faith-based NGOs. The government's Office of Religious Affairs monitored compliance with this proscription.

The government continued to harass, detain, and discriminate against Jehovah's Witnesses because of their refusal, on religious grounds, to vote in the independence referendum and the refusal of some to perform national service. Although members of several religious groups, including Muslims, reportedly have been imprisoned in past years for failure to participate in national military service, the government singled out Jehovah's Witnesses for harsher treatment than that received by followers of other faiths for similar actions. In the past the government dismissed members of Jehovah's Witnesses from the civil service, and many were evicted from, or not allowed to occupy, government housing. Members of Jehovah's Witnesses frequently were denied passports and exit visas, and some had their identity cards revoked or did not receive them at all.

Societal Abuses and Discrimination

There were negative societal attitudes toward members of nonregistered religious organizations. Some citizens approved of the strict official measures levied against unsanctioned churches, especially Pentecostal groups and Jehovah's Witnesses.

There was a very small Jewish population; there were no reports of anti-Semitic acts.

For a more detailed discussion, see the [2008 International Religious Freedom Report](#).

d. Freedom of Movement, Internally Displaced Persons, Protection or Refugees, and Stateless Persons

The law and unimplemented constitution provide for freedom of movement, foreign travel, emigration, and repatriation; however, the government restricted some of these rights in practice. While citizens could generally travel freely within the country and change their place of residence, the government restricted travel to some areas within the country, particularly along the borders with Sudan and Ethiopia. In August the government suspended exit visas and passport services to its citizens. By year's end the government provided document and travel service only to known government loyalists. The government did not accept applications from persons requiring judgments from an adjudicator. Many persons who previously were issued passports were not allowed to renew them, nor were they granted exit visas. Military police periodically set up roadblocks in Asmara and on roads between cities to find draft evaders and deserters. Police also stopped persons on the street and forcibly detained those who were unable to present identification documents or movement papers showing they had permission to be in that area.

Travel restrictions imposed in 2006 on noncitizens remained in effect. All diplomats, humanitarian organizations and UN staff, and foreign tourists were required to obtain advance permission from the government to leave Asmara. Travel restrictions were enforced by military checkpoints. Travel permission was not a transparent process. While some foreign nationals obtained permission to travel to certain locations, the government refused to issue travel permits to others traveling to the same place. The government often failed to respond to requests for travel authorization.

In May the government cut off fuel supplies for international NGOs. Similar restrictions were placed on UN agencies in April. These restrictions have prevented the NGOs from visiting project sites, implementing new projects, or carrying out resettlements.

Citizens and some foreign nationals were required to obtain exit visas to depart the country. There were numerous cases where foreign nationals were delayed in leaving for up to two months when they applied for an exit visa. Persons routinely denied exit visas included men up to the age of 54, regardless of whether they had completed national service; women under the age of 47; members of Jehovah's Witnesses; and other persons out of favor with, or seen as critical of, the government. In 2006 the government began refusing to issue exit visas to children 11 years and older. The government also refused to issue exit visas to children, some as young as five years of age, either on the grounds that they were approaching the age of eligibility for national service or because their expatriate parents had not paid the two percent income tax required of all citizens residing abroad. Some citizens were given exit visas only after posting bonds of approximately 150,000 nakfa (\$10,000).

The law has no provisions concerning exile, and the government generally did not use it.

The government does not recognize dual citizenship; therefore, all persons of Eritrean descent are citizens. In general citizens had the right to return; however, citizens had to show proof that they paid the 2 percent tax on foreign earned income to be eligible for some government services, including exit visas upon their departure from the country. Applications to return to the country filed by 'citizens' living abroad were considered on a case-by-case basis if the applicant had broken the law, contracted a serious contagious disease, or was declared ineligible for political asylum by other governments.

During the year, in conjunction with the ICRC, the government repatriated approximately 1,023 Ethiopians; and 27 citizens were repatriated from Ethiopia.

Internally Displaced Persons (IDPs)

Approximately 19,000 IDPs from the conflict with Ethiopia were permanently resettled during the previous year. Approximately 6,625 IDPs remained in two camps in the Debub zone, and approximately 1,250 refugees remained in an IDP camp in the Southern Red Sea Zone. There also was a large but unknown number of IDPs residing outside camps during the year. The government allowed UN organizations to provide assistance to IDPs. During the year all remaining IDPs were resettled, although some remained living in tents.

Protection of Refugees

The law and unimplemented constitution do not provide for the granting of asylum or refugee status in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government did not establish a system for providing protection to refugees. As a result the government cannot provide legal refugee or asylum status; however, in practice the government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened and provided temporary protection to approximately 135 persons from Sudan and 4,789 persons from Somalia on a prima facie basis. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) in assisting refugees who were not from Ethiopia. Credible reports indicated that the government provided resources to Ethiopian refugees only if the refugees

joined Ethiopian opposition groups. Ethiopian refugees who did not join opposition groups were reportedly harassed by government officials.

The government required noncitizens to pay an annual fee for a residency card; there was no discrimination regarding nationality. The fee was 500 nakfa (\$34), which was used to demonstrate that a foreigner was not indigent. If the foreigner could not pay the fee he was first referred to the ICRC for repatriation, but if he refused repatriation, he was incarcerated for 60 days, at which point the cycle began again.

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

The law and unimplemented constitution provide citizens with the right to change their government peacefully; however, citizens were not allowed to exercise this right in practice.

Elections and Political Participation

The government came to power in a 1993 popular referendum in which voters chose to have an independent country managed by a transitional government; however the transitional government has not permitted the formation of a democratic system. The government twice scheduled elections in accordance with the constitution but cancelled them without explanation. An official declaration in 2003 claimed that "in accordance with the prevailing wish of the people it is not the time to establish political parties, and discussion of the establishment has been postponed." Government officials also state that implementation of the constitution is not possible until the border demarcation with Ethiopia is finalized. During the year the president claimed in an Al-Jazeera interview that elections might not take place for another 30 or 40 years. The country is a one-party state. Power rests with the PFDJ and its institutions. At times the government coerced membership in the PFDJ.

Women held three ministerial positions in the government: Minister of Justice, Minister of Labor and Human Welfare, and Minister of Tourism. Women also served in other senior government positions such as mayors and regional administrators.

There was no information on whether members of ethnic minorities were on the PFDJ's Executive Council or served on the Central Council. Some senior government and party officials were members of minority groups such as the Tigre.

Government Corruption and Transparency

The World Bank's 2008 governance indicators reflected that corruption was a problem. There were reports of petty corruption within the executive branch, largely based on family connections. There were allegations of corruption among military leaders involving illicit trade and the appropriation of houses. There were reports that individuals requesting exit visas or passports had to pay bribes.

In the past the government has seized successful private companies and turned them over to the party or to the government. Individuals were not compensated for these seizures. During the year the government also seized crops and other foodstuffs from individuals and turned them over to the party.

Although the law and unimplemented constitution provide for public access to government information, the government did not provide information to either citizens or noncitizens.

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

A few domestic rights groups and international humanitarian groups operated throughout the country, but with government interference and restriction. All NGOs, regardless of

their scope of work, were required to register with the Ministry of Labor and Human Welfare. In 2005 the government issued a law requiring NGOs to reregister under new guidelines to continue operating. The new guidelines require international NGOs to maintain two million dollars in the local bank. Many failed to receive government approval under the registration process and were required to leave the country. In 2006 the government asked five NGOs – Mercy Corps, ACCORD, Samaritans Purse, International Rescue Committee, and Concern – to close operations and depart the country, which they did.

During the year the government allowed three ruling party-aligned domestic rights NGOs – Citizens for Peace in Eritrea, Eritrean War Disabled Fighters Association, and Vision Eritrea, Inc. – to operate.

At the beginning of the year nine international humanitarian organizations were operational; however, during the year CARE and Dutch Interchurch Aid departed the country citing obstruction and harassment from the government. The government permitted only one international humanitarian organization, the ICRC, to operate effectively, and limited it strictly to operations such as repatriation, providing shelter to approximately 500 families displaced by the conflict with Ethiopia, visiting prisons and detention centers where Ethiopians were held, and providing assistance to Internally Displaced Persons. At year's end there were seven registered international NGOs.

In 2006 authorities announced that all food assistance would henceforth be provided through a cash-for-work program. Simultaneously, the government redirected over eighty thousand metric tons of food belonging to the World Food Program (WFP) and other donors to its own programs. An accounting of the distribution of this food was not provided by year's end. In keeping with the new policy, the government did not permit general humanitarian food distribution by NGOs or by the WFP, although it allowed the UN Children's Fund (UNICEF) to continue its supplemental feeding programs, and supplemental feeding and hospital feeding programs continued under the supervision of the Ministry of Health. By requiring NGOs and UN organizations to obtain permission to travel outside the capital, the government effectively controlled access by relief organizations to the rural areas. The status of school feeding programs was unknown at year's end.

The government allowed UN organizations to provide assistance to IDPs. By year's end the government had not returned the 45 vehicles it had seized in 2005 from the UNHCR.

5. Discrimination, Societal Abuses, and Trafficking in Persons

The law and unimplemented constitution prohibits discrimination against women, persons with disabilities, and discrimination based on race, language, and social status, and the government generally enforced these provisions; however, during the year the government provided privilege to former "revolutionary fighters" and granted them access to business opportunities, trade imports, and expropriated property from non-fighters.

Women

Rape is a crime; however, it is unclear whether spousal rape is illegal. There was no information available on the prevalence of rape. Authorities often responded to reports of rape by encouraging the perpetrator to marry the victim.

Violence against women was pervasive. Domestic violence is a crime; however, domestic violence cases were rarely brought to trial, and there were no legal penalties enshrined into law. Women seldom openly discussed domestic violence because of societal pressures. Such incidents were more commonly addressed, if at all, within families or by clergy. The authorities' response to domestic violence was hindered by a lack of trained personnel, inadequate funding, and unsupportive societal attitudes.

Prostitution is illegal but was a serious problem. Security forces occasionally followed women engaged in prostitution and arrested those who had spent the night with a foreigner.

Sexual harassment is illegal; however, cultural norms prevented women from reporting these types of incidents, and no one was charged or prosecuted for sexual harassment.

Women have a legal right to equal educational opportunities, equal pay for equal work, and equal property rights; however, in practice men retained privileged access to education, employment, and control of economic resources, particularly in rural areas. Women generally did not enjoy a social status equal to men.

The law requires that women from 18 to 47 years of age participate in national service. During the year the government continued efforts to detain female draft evaders and deserters. According to reports, some women drafted for national service were subject to sexual harassment and abuse.

The National Union of Eritrean Women (NUEW), Ministry of Labor and Human Welfare, and Ministry of Health are the primary government offices responsible for ensuring legal rights of women. Economic discrimination against women was not a problem, despite the social discrepancies.

Children

The Ministry of Labor and Human Welfare is responsible for policies concerning children rights and welfare. The Children's Affairs Division in the Ministry of Labor and Human Welfare covered childcare, counseling, and probation.

Education through grade seven is compulsory and tuition free; however, students were responsible for uniforms, supplies, and transportation, which was prohibitively expensive for many families. Education above grade seven requires a nominal fee and is not compulsory. There was a shortage of schools and teachers at all levels, remedied in part by holding morning and afternoon shifts at schools. According to estimates by the Ministry of Education, the net enrollment rate of school-age children in the 2003-04 school year was approximately 43 percent; the gross elementary (grades one to five) enrollment rate was 71.7 percent. Approximately 75 percent of the population was illiterate. In rural areas young girls usually left school early to work at home.

The government required all students who reached the final year of secondary school to attend school at a location adjacent to the Sawa military training facility in the western section of the country. Students who did not attend this final year did not graduate and could not sit for examinations that determined eligibility for advanced education. The remote location of this boarding school, security concerns, and societal attitudes reportedly resulted in many female students not enrolling for their final year; however, women could earn an alternative secondary school certificate by attending night school after completing national service. Many students elected to repeat grades or dropped out of high school after the 11th grade to avoid forced conscription into the Sawa military education.

During the year 10th and 11th graders from a technical high school were not allowed to finish their school terms. Instead, they were mandated to become instructors at Sawa.

There are no laws against child abuse and no government programs to combat the problem. Physical punishment was widespread and socially accepted.

An estimated 89 percent of girls had undergone FGM. Almost all ethnic and religious groups in the country practiced FGM, despite extensive government efforts to curb the practice. In the lowlands, infibulation – the most severe form of FGM – was practiced. In March 2007 the government issued a proclamation declaring FGM a crime and prohibited its practice. The government and other organizations, including the NUEW and the

National Union of Eritrean Youth and Students, sponsored a variety of education programs during the year that discouraged the practice.

The legal minimum age for marriage for both men and women is 18, although religious entities may bless marriages at younger ages. UNICEF reported that child marriage occurred in the west and in coastal areas.

Child Soldiers

All students spend their last year of high school at the military training camp in Sawa. Attendance at Sawa is compulsory and those who do not attend remain at risk of arrest. Students at Sawa are typically 18 or older, although a fair percentage are as young as 16. The initial three months of June through August are spent undergoing military training. Students who receive poor grades in high school have in the past been sent to the Wi'a military training camp in lieu of being allowed to complete the academic year. It is not known if rebel groups within the country recruit soldiers under the age of 18.

The law criminalizes child prostitution, pornography, and sexual exploitation; however, there were reports that children participated in prostitution.

During the year humanitarian groups and interlocutors anecdotally noted an increase from previous years in the amount of street children due in part to an increase in economic hardship. The government did not provide services to abate the increase. Further, there were no known reports of security forces abusing the children.

Trafficking in Persons

The law and unimplemented constitution prohibit trafficking in persons, and there were no reports that persons were trafficked to, from, or within the country.

Persons with Disabilities

The law and unimplemented constitution prohibit discrimination against persons with disabilities in employment, education, or in the provision of other state services, and there were no reports of discrimination in practice. The government dedicated substantial resources to support and train the thousands of men and women with physical disabilities that resulted from the war for independence and the conflict with Ethiopia. There are no laws mandating access for persons with disabilities to public thoroughfares or public or private buildings, but many newly constructed buildings provided such access. The Ministry of Labor and Human Welfare was responsible for the rights of persons with disabilities.

National/Racial/Ethnic Minorities

There were reports of government and societal discrimination against the Kunama, one of nine ethnic groups residing primarily in the west. Societal abuse of Ethiopians occurred, but there were fewer reports of such abuse than in the previous year.

Other Societal Abuses and Discrimination

Homosexuality is illegal, and homosexuals faced severe societal discrimination. The government openly expressed a severe paranoia against homosexuals, accusing foreign governments of promoting the practice in order to undermine the government. There were no known official discriminatory practices against civilians, although there were uncorroborated reports that known homosexuals in the military were subjected to severe abuse.

6. Worker Rights

a. The Right of Association

The law provides workers with the legal right to form and join unions to protect their interests; however, some government policies restricted free association or prevented the formation of some unions, including within the civil service, military, police, and other organizations providing essential services. All unions, including the Teacher's Union, Women's Union, Youth's Union, and Worker's Union, were run by the government. Membership in these unions was required. The government did not encourage the formation of independent unions by employees of private businesses. Union leaders were typically government employees, and union activities were generally government sanctioned. The Ministry of Labor and Human Welfare must grant special approval for groups of 20 or more persons seeking to form a union. There were no reports that the government opposed the formation of labor associations during the year; however, the government did not approve the formation of any unions.

The law allows strikes; however, all unions were closely aligned with the government and thus did not exercise or promote the right to strike.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and collective bargaining is allowed. In practice all unions are subservient to the government, which sets wages for union workers, employees of PFDJ-owned enterprises, and government employees. Wages are set independently in the small private sector, although workers are not allowed to organize independently.

Since most businesses were government-owned, unions did not experience antiunion discrimination.

The Export Processing Zone, authorized in 2006 to attract foreign and local investors, was not operational by year's end.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that some citizens between the ages of 18 and 54 performed compulsory labor during the year. Nearly all persons between the ages of 18 and 54 by law were subjected to national service; however, during the year many were demobilized after they completed their requirement, or were found medically unfit. The criteria for demobilization was unclear and allowed the government to arbitrarily recall citizens or deny them key rights as freedom of movement.

The government required all men between the ages of 18 and 50 and women between the ages of 18 and 47 to participate in the national service program, which included military training and civilian work programs. Increasing reports indicate citizens were enlisted in the national service for many years below minimum-wage rates with no prospective end date. The government justifies its open-ended draft on the basis of the undemarcated border with Ethiopia. Some national service members were assigned to return to their civilian jobs while nominally kept in the military because their skills were deemed critical to the functioning of the government or the economy. These individuals continued to receive only their national service salary; the government required them to forfeit to the government any money they earned above and beyond that salary. Government employees generally were unable to leave their jobs or take new employment. Draft evaders often were used as laborers on government development projects.

During the year there were no reports of forced child labor.

d. Prohibition of Child Labor and Minimum Age for Employment

Although the government has a national plan of action to protect children from exploitation in the workplace, it was not enforced effectively, and child labor occurred. The legal minimum age for employment is 18 years, although apprentices may be hired at age 14. The law prohibits children, young workers, and apprentices under age 18 from performing certain dangerous or unhealthy labor, including working in transport industries, working in jobs involving toxic chemicals or dangerous machines, and working underground, such as in mines and sewers. It was common for rural children who did not attend school to work on family farms, fetching firewood and water, and herding livestock, among other activities. In urban areas children could be seen in auto mechanic outfits working in car repair shops. Some children worked as street vendors of cigarettes, newspapers, or chewing gum to either supplement household income or at the behest of older children. There were no known instances of forced child labor.

There were no known reports of children engaged in the worst forms of child labor; however in urban areas children were engaged in auto and bicycle repair or transport of grain/goods via donkey carts. In rural areas children assisted with farming corn, wheat, sorghum, and other grains.

Labor inspectors from the Ministry of Labor and Human Welfare are responsible for enforcing child labor laws, but inspections were infrequent and enforcement of child labor laws was ineffective.

Some of the major programs implemented to prevent child labor include government preschool services in rural and urban areas and academic and vocational training.

e. Acceptable Conditions of Work

The minimum wage in the civil service sector of 360 nakfa (\$24) per month did not provide a decent standard of living for a worker and family. Most persons in national service and the service industry made less than the minimum wage. For instance, police officers earn between 50 and 400 nakfa per month (between \$3.33 and \$26.67). The government did not enforce the minimum wage law. There is no legally mandated minimum wage in the private sector.

The standard workweek is 44.5 hours, but many persons worked fewer hours. Workers are entitled to one rest day per week; most workers were allowed one to one and one-half days off per week. There are no prohibitions against excessive overtime. Citizens are legally entitled to overtime, except for those employed under national service; however, citizens were rarely forced to work more than the 44.5-hour work week.

The government has instituted occupational health and safety standards, but inspection and enforcement varied widely among factories. In practice some workers were permitted to remove themselves from dangerous work sites without retaliation.

During the year there was no known discrimination against foreign or migrant workers.
