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Eritrea is a one party state that became independent in 1993 when its citizens voted for independence from Ethiopia. The Eritrean People's Liberation Front (EPLF), which led the 30 year war for independence, has controlled the country since it defeated the Ethiopian armed forces in 1991; its leader, Isaias Afwerki, is the President. The EPLF became the People's Front for Democracy and Justice (PFDJ) and redefined itself as a political party in 1994; it is the sole political party in the country. Presidential and legislative elections have been continuously postponed. The Constitution, ratified in 1997, provides for democratic freedoms; however, its provisions have not been implemented. The judiciary was weak and subject to executive interference.

Police were officially responsible for maintaining internal security, and the army was responsible for external security; however, the Government could call on the armed forces, the reserves, and demobilized soldiers in response to both domestic and external security requirements. Civilian authorities maintained effective control of the security forces. In addition to border incidents with Ethiopia, the army contended with the Eritrean Islamic Jihad Movement (ERIJM), a small, Sudan based insurgent group that continued to attack in the north and west since 1993. Some members of the security forces committed serious human rights abuses.

The country had a mixed economy, with trade, services, and manufacturing accounting for the greatest portion of gross domestic product and subsistence agriculture dominating the rural economy. According to an estimate during the year, more than 70 percent of the population of approximately 4.4 million engaged in farming and herding. Real economic growth rose from negative 1.2 percent in 2003 to positive 1.8 percent. Wages did not keep pace with inflation. The continued integration of as many as 75,000 Eritreans, or Ethiopians of Eritrean origin deported from Ethiopia, more than 100,000 long term refugees from camps in Sudan, and an unknown number of internally displaced persons (IDPs), continued to burden the economy. In addition, much of the skilled labor force continued to serve in the national service. More than one third of the population depended on foreign emergency assistance. The PFDJ and the military exerted a growing economic influence through numerous investments in businesses owned by the party or the military.

The Government's human rights record remained poor, and it continued to commit serious abuses. Citizens did not have the ability to change their government. Security forces were responsible for unlawful killings; however, there were no new reports of disappearances. There were numerous reports that security forces resorted to torture and physical beatings of prisoners, particularly during interrogations, and security forces severely mistreated army deserters and draft evaders. The Government generally did not permit prison visits by local or international groups, except the International Committee of the Red Cross (ICRC). Arbitrary arrests and detentions continued to be problems; an unknown number of persons were detained without charge because of political opinion. The use of a special court system limited due process. The Government at times infringed on the right to privacy. The Government severely restricted freedom of speech and press, and restricted freedom of assembly, association, freedom of religion for religious groups not approved by the Government, and freedom of movement. Human rights groups were not allowed to operate in the country. Violence and societal discrimination against women continued to be problems, and female genital mutilation (FGM) remained widespread despite government efforts to discourage the practice. Members of the Kunama ethnic group also faced societal discrimination. The Government restricted workers' rights. Child labor occurred.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no politically motivated killings by the Government or its agents; however, the Government continued to authorize the use of deadly force against anyone resisting or attempting to flee during military



searches for deserters and draft evaders, and deaths occurred during the year. For example, in November, there were credible reports of the deaths of 20 civilian and 4 security force members in an incident at a detention facility near Asmara following searches for military draft evaders in and around the capital. The individuals were killed when a cinderblock wall at the facility collapsed, and guards reportedly fired at inmates attempting to escape. No action was taken against the guards.

According to the Government Commission for Coordination with the U.N. Peacekeeping Mission, there were an estimated 3 million landmines and unexploded ordnance in the country. The ERIJM and others laid some new mines during the year. The U.N. reported 13 deaths and 19 injuries from landmine incidents during the year; at least 2 of these casualties involved newly laid landmines. It was probable that there were additional, unreported deaths in remote areas.

There was no additional information during the year regarding the April 2003 killing of British national Timothy Butt in the western Bisha region. There were reports that unidentified militants killed Butt.

During the year, the Government did not release a report concerning its investigation of the August 2003 killing of two citizens who worked for Mercy Corps International.

b. Disappearance

There were no reports of politically motivated disappearances during the year; however, there were unresolved disappearances from previous years.

There were no developments in the 2003 arrests of an unknown number of Kunama, an ethnic group residing predominantly near the border with Ethiopia, detained because of their association with other captured or killed Kunama insurgents. At year's end, the whereabouts of the arrested Kunama remained unknown.

At year's end, the whereabouts of 11 senior PFDJ and National Assembly members, arrested by the Government in 2001, remained unknown (see Section 1.d.).

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

The Penal Code prohibits torture; however, there were numerous reports that security forces resorted to torture and physical beatings of prisoners, particularly during interrogations. During the year, security forces severely mistreated and beat army deserters, draft evaders, and members of particular religious groups (see Section 2.c.). Security forces detained deserters and draft evaders and subjected them to various disciplinary actions that included prolonged sun exposure in temperatures of up to 113 degrees Fahrenheit or the binding of hands, elbows, and feet for extended periods.

There were reports that some women drafted into the national service were subjected to sexual harassment and abuse.

There continued to be numerous reports of injuries and some deaths from landmines and unexploded ordnance (see Section 1.a.).

Prison conditions remained Spartan. The Government generally permitted three visits per week by family members, except for detainees arrested for national security reasons. These prisoners were not allowed visits. There were no confirmed reports that any prisoners died due to lack of adequate medical care.

There were substantial reports that prison conditions for persons temporarily held for evading military service were poor. Unconfirmed reports suggested there may be hundreds of such detainees. Draft evaders were typically held between 1 and 12 weeks before being re-assigned to their units. At a detention facility outside Asmara, detainees reportedly were held in an underground hall with no access to light or ventilation, and in sometimes very crowded conditions. Some detainees reportedly suffered from severe mental and physical stress due to these conditions.

Women and men were held in separate facilities. There were no juvenile detention centers or correction facilities, and juvenile offenders often were incarcerated with adults. Pretrial detainees generally were not held separately from convicted prisoners; however, in some cases, detainees were held separately. For example, human rights observers believed that the 11 PFDJ and National Assembly detainees and others detained on national security grounds in 2001 were held separately, although their whereabouts remained unknown. These political detainees continued to be denied visitors during the year.

The Government allowed the ICRC to visit and register Ethiopian civilian detainees in police stations and prisons; however, the ICRC was not permitted to visit the unknown number of Ethiopian soldiers who the

Government claimed were deserters from the Ethiopian army. The ICRC was allowed to monitor prison conditions, but local groups were not.

Unlike in past years, there were no reports of prolonged detentions of Sudanese nonpolitical prisoners.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, arbitrary arrest and detention were serious problems.

The police force was adequate in enforcing traffic laws and in acting against petty crime, but it did not have a role in cases involving national security. Corruption was not prevalent. During 2003, the police force was reorganized, and active duty military officers were placed in charge of key police divisions. The military has the power to arrest and detain persons, and internal security forces and the military detained many persons during the year.

The Penal Code stipulates that detainees may be held for a maximum of 30 days without being charged with a crime. In practice, authorities often detained persons suspected of crimes for much longer periods. Detainees did not always have access to legal counsel (see Section 1.e.), and incommunicado detention was widespread. There was a functioning bail system for all cases except those involving national security or subject to capital punishment.

Security forces detained, generally not for more than 3 days, many persons during searches for evaders of national service, although they had valid papers showing that they had completed or were exempt from national service (see Section 1.c.).

The Government continued to arrest journalists (see Section 2.a.).

The Government continued to arrest and detain members of nonsanctioned religious groups; some persons have been in detention for more than 10 years (see Section 2.c.).

Ethiopian nationals reportedly were singled out for arrest because they were unable to pay the necessary fees to renew their residency permits every 6 months. Although numbers of detainees fluctuated from month to month, the ICRC visited approximately 300 Ethiopians who were detained at various times during the year.

There were reports that the Government imprisoned and continued to hold incommunicado and without charges approximately 110 citizens deported from Libya in July.

There were no developments concerning the approximately 220 citizens deported from Malta in 2002 on suspicion that they had fled the country to escape or avoid national service. It is believed that they were held at secret locations without contact with their families and without formal charges. There were reports that security forces killed some of those who tried again to escape.

Three elderly businessmen who had been held without charge after their attempt to mediate the 2001 dispute within the PFDJ were released during the year.

There were reports that the Government continued to hold numerous members of the Eritrean Liberation Front, an armed opposition group that fought against Ethiopia during the struggle for independence.

The Government held numerous pretrial detainees during the year. An unknown number of persons suspected of association with the Ethiopian Mengistu regime, with Islamic elements considered radical, or with suspected terrorist organizations, continued to remain in detention without charge, some of whom have been detained for more than 10 years.

There were reports of numerous politically motivated detentions of those who were seen as critical of the Government, and many of those detained remained in prison at year's end. Many were perceived to have ties to political dissidents or were believed to have spoken against government actions. There were unconfirmed reports that the number of such persons detained may be several hundred.

There were no developments in the 2002 arrests of individuals associated with the detained group of 11 PFDJ/National Assembly members and of diplomats who were recalled from their posts. At least four of these detainees, in addition to many detained in previous years, remained in prison without charges at year's end. Among the detainees were former Ambassador to China Ermias Debessai (Papayo), arrested most recently in November 2003, and Aster Yohannes, wife of former Foreign Minister Petros Solomon, arrested in December 2003.

Two citizens who worked for a foreign embassy have remained in detention without charge since 2001.

e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, the judiciary was weak and subject to executive control. The judiciary relied on the Ministry of Justice for logistical and budgetary support, which limited its independence. Public trials generally were perceived as fair, but virtually all cases involving individuals detained for national security or political reasons were not brought to trial.

The drafting into national service of many civilians, including court administrators, defendants, judges, lawyers, and others involved in the legal system, continued to have a significant negative effect on the judiciary; however, during the year, the ministry made certain improvements in judicial capacity. For example, elections were held throughout the country to staff approximately 700 village courts with local judges. The High Court, which had been reduced to three benches in 2003, was restored to seven benches, and a separate bench heard final appeals. Unlike in the previous year, the High Court had no case backlog.

The judicial system had three parts: Civilian; military; and special courts. The civilian court system consisted of community courts, subregional courts, regional courts, and the High Court, which also served as an appellate court. Appeals could be made in the civilian courts up to the High Court. Not all appeals are accepted for a hearing at the High Court level, and the High Court takes an average of 2 months to decide if it will hear an appeal. Under the legal system, minor infractions involving sums of less than approximately \$7,400 (100,000 nakfa) were brought to community courts and subregional courts. More serious offenses were argued before regional courts, but a significant proportion of cases involving murder, rape, and other felonies were heard by the High Court. A single judge heard all cases, except those argued before the High Court, where panels of three judges heard cases.

The judicial system suffered from a lack of trained personnel, inadequate funding, and poor infrastructure that, in practice, limited the Government's ability to grant accused persons a speedy trial.

At independence, the Government chose to retain many Ethiopian legal proclamations, but issued new laws via proclamation, covering, among others, commercial, criminal, banking, and civil matters.

Detainees did not always have access to legal counsel. Defendants could hire a legal representative at their own expense; however, not all detainees could afford to do so. Although there was no formal public defender's office, the Government frequently assigned attorneys to represent defendants accused of serious crimes punishable by more than 10 years in prison and who could not afford legal counsel. Defendants could appeal verdicts to a High Court panel, composed of the High Court president and four other judges.

Most citizens had contact only with the legal system through the traditional village courts. Elected village judges heard civil cases, while magistrates versed in criminal law heard criminal cases. Village courts and local elders used customary law to adjudicate local problems such as property disputes and petty crimes. The Ministry of Justice offered training in alternative dispute resolution to handle some civil and criminal cases.

Shari'a law could be applied when both litigants in civil cases were Muslims. Traditional courts cannot impose sentences involving physical punishment.

The executive-controlled special courts issued directives to other courts regarding administrative matters, whereas their domain was supposed to be restricted to criminal cases. The special court system ostensibly was created to reduce a growing backlog in the civilian court system; however, in practice, special courts, which banned defense counsel and the right of appeal, allowed the executive branch to mete out punishment without respect for due process. Judges in the special courts were senior military officers, most of whom had little or no legal experience. They based their decisions on "conscience," without reference to the law. There was no limitation on punishment. The special courts had jurisdiction over many criminal cases, such as capital offenses, felonies, some misdemeanors, cases of tax evasion involving large sums, and cases of embezzlement by senior officials. The office of the Attorney General decided which cases were to be tried by a special court. The Attorney General also allowed special courts to retry civilian court cases, including those decided by the High Court, thereby subjecting defendants to double jeopardy.

Special courts also reportedly were authorized to handle crimes involving corruption, theft, and misuse of government authority; however, the courts had not heard such cases.

There were no reports of political prisoners; however, there were numerous reports of persons detained for political reasons (see Section 1.d.).

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

The law prohibits such actions; however, the Government at times infringed on the right to privacy. Under the law, warrants are required for routine searches and seizures, except in cases where authorities believe individuals may attempt to escape or destroy evidence.

The Government deployed military police throughout the country using roadblocks, street sweeps, and house to house searches to find deserters and draft evaders.

Warrants are theoretically required before the Government can monitor mail, telephones, or other means of private communication; however, in practice, the Government often did not obtain warrants. There were reports that the Government monitored telephone calls and e mail. Government informers were believed to be present throughout the country.

There were reports that military officials seized residences belonging to relatives of persons identified with the political opposition and rented the property or used it as housing for senior military officers' families.

Unlike in previous years, there were no reports that the Government took land from ethnic Kunama without compensation.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law provides for freedom of speech and of the press; however, the Government severely restricted this right in practice. The private press remained closed, and most independent journalists remained in detention or had fled the country, effectively preventing public criticism of the Government. Private newspapers were banned, and the ban remained in effect at year's end.

The Government controlled all media, including three newspapers, one radio station, and one television station. There were no private media in the country. Publications distributed by religious or international organizations had to be submitted for government approval before their release. The law does not allow private ownership of broadcast media or foreign influence or ownership of media. The press law forbids reprinting of articles from banned publications. The Government continued to restrict the right of the religious media to comment on politics or government policies.

The Government permitted one reporter for a foreign news organization to operate in the country. In September, the Government ordered another reporter who had previously reported for the British Broadcasting Corporation and Reuters to leave the country.

The arrests of journalists continued during the year. In September, authorities reportedly arrested Goitom Biahon, a journalist who submitted reports to Deutsche Welle, for filing a story that the Ministry of Information (MOI) found unfavorable. At year's end, he reportedly was being held without charges.

In late December, the Government released Aklilu Solomon, a journalist arrested in 2003 who had submitted articles to the Voice of America. At least 15 other journalists who were arrested in 2001 remained in government custody at year's end.

The Government had the authority to ban the import of foreign publications, and it did so during the year.

The Government did not restrict access to the Internet. In October, the Government announced that all Internet cafes would be closed, and Internet access would be moved to libraries and schools; however, at year's end, Internet cafes had not been closed.

The Government restricted academic freedom; freedom of speech, free movement of students and their ability to assemble were not respected in the academic context. The status of the University of Asmara, the only institution of higher education, was uncertain, because prospective students for the last 2 years were diverted to the Mai Nafhi Technical Institute and did not continue to the university (see Section 5, Children).

b. Freedom of Peaceful Assembly and Association

The law provides for freedom of assembly and association; however, the Government did not permit freedom of assembly or association. The Government did not allow the formation of any political parties other than the PFDJ.

c. Freedom of Religion

The law provides for freedom of religion; however, the Government restricted this right in practice. Only the four government sanctioned religious groups in the country Orthodox Christians, Muslims, Catholics, and members of the Evangelical Church of Eritrea (an umbrella group of several Protestant churches affiliated with the Lutheran World Federation)—were allowed to meet freely during the year. Although reports of government abuse of nonregistered churches declined in the second half of the year, arbitrary arrests continued. For example, on December 31, 60 members of the Rema Charismatic Church in Asmara reportedly were arrested in the home of the church leader.

During the year, there continued to be reports that security forces used torture, such as bondage, heat exposure, and beatings to punish those detained for their religious beliefs, and that some detainees were required to sign statements repudiating their faith, or agreeing not to practice it, as a condition for release. There continued to be reports that relatives were asked to sign for detainees who refused to sign such documents.

During the year, there were reports that several dozen followers of various nonsanctioned churches (mostly Protestant) were detained, harassed, and abused. For example, in February, authorities in Asmara reportedly beat and arrested 12 members of the Full Gospel Church while they were praying in a private home. They were released after approximately 1 month. Of the detained, one was under the age of 18 and another had disabilities; both of these detainees were released after 4 days of imprisonment.

Also in February, authorities arrested 50 members of the Hallelujah Church in Asmara; by the end of the year, these individuals reportedly had been released. In March, authorities in Assab arrested 20 members of the Kalehiwot Church while they were praying in a private home, and they reportedly remained in custody at year's end.

In late May, authorities arrested the leaders of the Eritrean Evangelical Alliance, the Full Gospel Church, and the Rhema Church; at year's end, they continued to be held without charges.

Human rights observers did not know whether the Government had released the 57 students arrested in August 2003. By year's end, the Government reportedly had released the 12 Bethel Church members arrested in September 2003.

At year's end, the Government had released approximately 10 of the 74 military and national service personnel arrested in 2002 and imprisoned near Assab. Reports suggested that the remaining 64 individuals were being detained until they repudiate their faith.

The Government also harassed and monitored members of one reformist Orthodox group known as "Medhane Alem," whose religious services the Government did not find appropriate. There were reports that the Government monitored all public religious services and issued warnings or shut down services that it interpreted as promoting extremism, antigovernment views, or foreign influence.

Following the MOI's 2002 closure of many religious groups, including the Baha'is, Rhema Church, Presbyterians, Full Gospel, Jehovah's Witnesses, and other small Protestant groups, no group has been allowed to reopen, although some groups submitted the required registration forms. The four government-sanctioned religious groups were not required to fill out as detailed a registration form as other groups.

There were some complaints that the Government discriminated against the Muslim community and Catholics because the Government offered tax relief to Orthodox churches, but not to some mosques and Catholic churches.

The Government prohibited political activity by religious groups and faith based nongovernmental organizations (NGOs). The Government's Office of Religious Affairs monitored religious compliance with this proscription against political activity.

There were negative societal attitudes toward members of some religious denominations other than the four sanctioned ones. Some citizens approved of the strict measures levied against unsanctioned churches, especially the charismatic Christian churches and Jehovah's Witnesses during the year.

The Government continued to harass, detain, and discriminate against the small community of Jehovah's Witnesses because of their refusal, on religious grounds, to vote in the independence referendum, or the refusal of some to perform national service. The Government dismissed members of Jehovah's Witnesses from the civil service. Many were evicted from or not allowed to occupy government owned housing. Members of Jehovah's Witnesses frequently were denied passports and exit visas, and some could not get identity cards or had their cards revoked.

In January, Asmara authorities reportedly arrested approximately 40 Jehovah's Witnesses who were praying in a private home. One of the members in his 90s was not released until September. At year's end, approximately 15 of the 40 members remained incarcerated. None of the members arrested reportedly received due process, that is, a court hearing and a judicial decision that authorized their imprisonment.

According to the Office of General Counsel for Jehovah's Witnesses Society, 20 Jehovah's Witnesses remained imprisoned without charge, including 6 allegedly detained during the year for failing to participate in national service. Although the maximum penalty for refusing to perform national service is 3 years' imprisonment, three of the individuals had been detained for more than 10 years. Of the Jehovah's Witnesses detained, 10 were reportedly held at Sawa Military camp and 1 at a prison in Asmara.

The army resorted to various forms of extreme physical punishment to force objectors, including some Jehovah's Witnesses, to perform their military service (see Section 1.c.).

For a more detailed discussion, see the 2004 International Religious Freedom Report.

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

The law provides for these rights; however, the Government restricted some of them in practice. While citizens generally could travel freely within the country and change their place of residence, authorities sometimes restricted freedom of movement and emigration. For security reasons, the Government restricted travel to some areas within the country. Military police periodically set up roadblocks in Asmara and on roads between other cities to find draft evaders and deserters, and periodic crackdowns continued during the year (see Section 1.d.).

There were reports that Ethiopians who remained in the country were not allowed to live in the Debub Province bordering Ethiopia.

The Government continued to restrict travel along much of the border with Sudan. Some areas remained heavily mined, a legacy of the war for independence. Occasionally, the ERIJM or others planted new mines, leading to additional travel restrictions (see Section 1.a.).

Citizens and foreign nationals were required to obtain an exit visa to depart the country. There were numerous cases where foreign nationals were delayed departure for up to 2 months, or initially denied permission to leave, when they applied for an exit visa. During the year, the Government announced that citizens who had left the country without exit visas would be allowed to return to the country without legal consequences; however, at year's end, it was unclear if this provision had been implemented.

Citizens of national service age (men 18 to 45 years of age, and women 18 to 27 years of age), Jehovah's Witnesses (see Section 2.c.), and others who were out of favor with or seen as critical of the Government were routinely denied exit visas. Students who wished to study abroad often were unable to obtain exit visas. In addition, the Government frequently refused to issue exit visas to adolescents and children as young as 5 years of age, either on the grounds that they were approaching the age of eligibility for national service or because their diasporal parents had not paid the 2 percent income tax required of all citizens residing abroad. Some citizens were given exit visas only after posting bonds of approximately \$7,400 (100,000 nakfa).

In general, citizens had the right to return; however, citizens had to show proof that they paid the 2 percent tax on their income to the Government while living abroad to be eligible for some government services on their return to the country. Applications to return from citizens living abroad who had broken the law, contracted a serious contagious disease, or had been declared ineligible for political asylum by other governments, were considered on a case by case basis.

The law has no provision concerning exile, and the Government generally did not use exile.

During the year, the Government repatriated approximately 549 Ethiopians to Ethiopia. They were repatriated voluntarily and with ICRC participation.

Approximately 67,000 IDPs from the conflict with Ethiopia remained in 11 camps in the Debub and Gash Barka zones at year's end. Camp facilities were rudimentary, but conditions generally were adequate. There also was a large but unknown number of IDPs residing outside camps during the year.

The law does not provide for the granting of asylum or refugee status in accordance with the definition in the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and there is no domestic legislation relating to refugees. Consequently, the Government cannot issue legal refugee status or asylum to persons seeking protection on its territory; however, the Government offers temporary protection to persons from Sudan and Somalia and provided protection against refoulement, the return of persons to a

country where they feared persecution. The Government cooperated with the office of the U.N. High Commissioner for Refugees (UNHCR) in assisting refugees. There were 732 Sudanese refugees at Elit camp in the west and 3,400 Somali refugees at Emkulu camp, near Massawa. There were also up to 30,000 Beja Sudanese and approximately 600 Ethiopians in the Gash Barka region to which UNHCR had no access or responsibility. UNHCR accommodated 441 Ethiopians in urban areas who arrived over the past several years. The Government issued, for a fee, residency permits to Ethiopians living in the country.

UNHCR reported that it repatriated 9,351 refugees from Sudan during the year. At year's end, UNHCR ended organized repatriation of citizens living in Sudan. The Eritrean Relief and Refugee Commission (ERREC), a government agency, was the principal organization responsible for returnees and IDPs. The Office of Refugee Affairs was responsible for refugees of non citizen origin, including management of the Elit and Emkulu camps.

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

The law provides citizens with the right to change their government peacefully; however, citizens were not allowed to exercise this right. The Government came to power in a 1993 popular referendum in which voters chose to have an independent country managed by a transitional government run by the PFDJ. The PFDJ has not allowed for a democratically elected government, and national elections, originally scheduled for 1997, were never held. The only authorized political party was the PFDJ, and there were no opposition parties active domestically (see Section 2.b.).

During the year, elections for community judges were held throughout the country, and elections took place for regional assembly positions in Asmara and other large cities. Only persons who had finished national service were able to stand in the elections and vote. No campaigning was allowed beyond posting photographs of candidates and providing information such as name, age, and work experience. There were no reports of obstruction or intimidation of voters or candidates.

There were reports of petty corruption within the executive branch, largely based on family connections. There were unconfirmed reports involving illicit trade and the appropriation of houses by military leaders. The legislature was not active during the year. There was provision for citizens to obtain information from the Government.

Three women served on the PFDJ's 19 member Executive Council, and 11 women served on the 75 member Central Council. Women participated in the Constitutional Commission, occupying almost half of the positions on the 50 person committee. They also served in several senior government positions, including the Ministers of Justice, Tourism, and Labor and Welfare. By law, one third of regional National Assembly seats are reserved for women, and women also may compete for the unreserved seats; however, the National Assembly does not meet.

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

The Government allowed one domestic human rights NGO—Citizens for Peace in Eritrea—to operate, and its work was limited to advocacy on behalf of war victims. Government officials were cooperative and responsive to CPE's views on these issues. International human rights organizations were not permitted to operate within the country. All NGOs were required to register with ERREC.

The ICRC has been allowed to operate. During the year, ICRC provided shelter to approximately 68,000 persons who were displaced by the conflict with Ethiopia (see Section 2.d.). The ICRC also visited prisons and detention centers where Ethiopians were held, and provided assistance to approximately 157,000 citizens through projects in water supply, health structure rehabilitation, and housing (see Section 1.c.).

The Ministry of Foreign Affairs was responsible for handling human rights inquiries.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The transitional Civil Code prohibits discrimination against women and persons with disabilities, and the Government generally enforced these provisions. However, there continued to be problems with violence against women and discrimination against minority ethnic groups.

Women

Violence against women was pervasive. Spousal abuse is a crime; however, spousal abuse, especially wife beating, was widespread. Women seldom discussed openly the issue of domestic violence because of societal pressures. Such incidents were more commonly addressed, if at all, within families or by religious clergy.

Rape is a crime; however, no specific information was available on its prevalence in the country.

FGM was widespread, with estimates placing the number of women and girls who have been subjected to FGM as high as 95 percent. Almost all ethnic and religious groups in the country practiced FGM. In the lowlands, local groups practiced infibulation, the most severe form of FGM. There was no law prohibiting FGM; however, the Government worked to combat the practice. The Government and other organizations, including the National Union of Eritrean Women and the National Union of Eritrean Youth and Students, sponsored education programs that discouraged the practice. The U.N. Population Fund, through the Ministry of Health, sponsored reproductive health projects that provided training and awareness programs focusing on the harmful physical and psychological impacts of FGM.

Prostitution is illegal; however, as a result of war related displacement and difficult economic conditions, prostitution was a serious problem. There were confirmed reports that security forces, who regularly patrolled the city at night, occasionally followed prostitutes and arrested those who had spent the night with a foreigner. The Ministry of Labor and Human Welfare continued its National Plan of Action for the Prevention, Rehabilitation, and Reintegration of Commercial Sex Workers, and the Ministry successfully helped some prostitutes to obtain training and be able to re enter the legal economy.

The Government consistently advocated improving the status of women, many of whom played a significant role as fighters in the independence struggle. Women have a legal right to equal educational opportunities and equal pay for equal work; however, in practice, men retained privileged access to education, employment, and control of economic resources, with greater disparities in rural areas than in cities. Women generally did not enjoy a social status equal to men. Laws were enforced unevenly because of a lack of capacity in the legal system and because of long standing cultural attitudes.

The law requires that women between the ages of 18 and 27 participate in national service (see Section 6.c.). During the year, efforts to detain women draft evaders and deserters generally decreased compared to previous years. According to reports, some women drafted for national service were subject to sexual harassment and abuse. During the year, hundreds of women were demobilized from national service due to age, infirmity, motherhood, marriage, or needs of their families. Once demobilized, women were not required to serve in a government ministry.

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. Although the Government generally was committed to children's rights and welfare, its programs were limited by resource constraints.

Education through grade seven is compulsory, and the Government provides tuition free education; however, students were responsible for uniforms, supplies, and transportation, which could be prohibitively expensive for many families. The Ministry of Labor and Human Welfare operated an Integrated Early Childhood Development Project to keep children in school by providing some of the most vulnerable with necessary books, uniforms, and other supplies. 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 Ministry of Education estimates, the net enrollment rate of school-age children in the 2001-02 school year was approximately 38 percent. Approximately 75 percent of the population was illiterate. In rural areas, young girls usually left school early to work at home.

In 2003, the Government added an additional grade to secondary school and required that all students attend their final year at a location adjacent to the Sawa military training facility in the western section of the country. Students who do not attend this final year of secondary school do not graduate and cannot sit for examinations to be eligible for advanced education. The remote location of this boarding school, concerns about security, and societal attitudes restricting the free movement of girls resulted in few female students enrolling for their final year of high school; however, women may earn an alternative secondary school certificate by attending night school after completing national service.

In 2003, the Government opened Mai Nafhi Technical Institute on the outskirts of Asmara. Students from the Sawa school who scored well on the university exams were admitted to Mai Nafhi and then could be eligible to attend the University of Asmara. No new students were accepted at the University of Asmara in the current or previous year.

The law criminalizes child prostitution, pornography, and sexual exploitation, and there were confirmed reports of some child prostitution. The Government had an aggressive program to identify these children and reintegrate them into their families and society.

FGM was performed on up to 95 percent of all young girls (see Section 5, Women).

Trafficking in Persons

The law prohibits trafficking in persons, and there were no reports of trafficking.

Persons with Disabilities

There was no discrimination against persons with disabilities in employment, education, or in the provision of other state services. The war for independence and the conflict with Ethiopia left thousands of men and women with physical disabilities from injuries they received as guerrillas, soldiers, and civilian victims. The Government dedicated a substantial share of its resources to support and train these former fighters, who were regarded as heroes. There are no laws mandating access for persons with disabilities to public thoroughfares or public or private buildings; however, many newly constructed buildings provided access for 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. Because a Kunama opposition group operated out of Ethiopia and was supported by Ethiopian authorities, some Kunama in the country were suspected of supporting or having sympathies with the Ethiopian Government.

In past years, there were unconfirmed reports that the Government took land from Kunamas without compensation and gave it to other ethnic groups, claiming that the land had not been efficiently exploited; however, there were no such reports during the year. There was some societal discrimination against Kunamas because they were seen as ethnically and culturally different from most citizens.

Members of the Kunama ethnic group remained in detention without charges during the year (see Section 1.b.).

During the year, there was sporadic abuse of Ethiopians by individual citizens, and there were fewer reported cases than in previous years.

Other Societal Abuses and Discrimination

The country has a less than 3 percent rate of HIV/AIDS infection, and there were no reports of systematic discrimination or abuse against persons with HIV/AIDS. Homosexuals face severe societal discrimination, and there were reports that several expatriates were expelled due to their sexual orientation.

Section 6 Worker Rights

a. The Right of Association

Proclamation 118 of 2001, which has the effect of law, provides workers with the legal right to form unions to protect their interests; however, some government policies restricted free association or prevented the formation of unions, including within the civil service, military, police, and other essential services. 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.

b. The Right to Organize and Bargain Collectively

Collective bargaining is allowed, and under Proclamation 118, a tripartite board composed of workers, employers, and Ministry of Labor and Human Welfare officials, is required to resolve differences. The complainant can pursue a case in court if it cannot be resolved by the tripartite board.

The law allows strikes; however, there were no reported strikes during the year.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were unconfirmed reports that it occurred during the year. The Government required all men between the ages of 18 and 45 and women between the ages of 18 and 27 to participate in the national service program, which included military training and civilian work programs. In addition, some national service members were assigned to

return to their civilian jobs, while nominally still 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. They were required 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.

d. Prohibition of Child Labor and Minimum Age for Employment

The Government has a national plan of action to protect children from exploitation in the workplace; however, child labor occurred. The legal minimum age for employment is 18 years, although apprentices may be hired at age 14. Proclamation 118 bars children, young workers, and apprentices under 18 years of age from performing certain dangerous or unhealthy labor, including working in transport industries, jobs involving toxic chemicals or dangerous machines, and underground work 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, some children worked as street vendors of cigarettes, newspapers, or chewing gum.

Labor inspectors from the Ministry of Labor and Human Welfare are responsible for enforcing child labor laws; however, due to the small number of inspectors, inspections were infrequent.

e. Acceptable Conditions of Work

Two systems regulate employment conditions the civil service system and the labor law system. There is no legally mandated minimum wage in the private sector. In the civil service sector, wages ranged from \$24 to \$288 (325 to 3,900 nakfa) per month. Factory workers in government owned enterprises earned the highest wages. The minimum wage in the civil service sector did not provide a decent standard of living for a worker and family.

The standard workweek was 44½ hours, but many persons worked fewer hours. Under Proclamation 118, workers are entitled to 1 rest day per week; most workers were allowed 1 to 1½ days off per week. The Government has instituted occupational health and safety standards, but inspection and enforcement varied widely among factories. Workers were permitted to remove themselves from dangerous work sites without retaliation.

Legal foreign and citizen workers are treated equally under the law. A large number of foreigners worked as teachers.

