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Eritrea

Country Reports on Human Rights Practices - [2005](#)

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Eritrea, with a population of approximately 4.4 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, is also the leader of the PFDJ. The government continuously postponed presidential and legislative elections. An unresolved border dispute with Ethiopia seriously hindered international trade and affected the government's external relations. The civilian authorities generally maintained effective control of the security forces.

The government's human rights record worsened, and it continued to commit numerous serious abuses. Tensions increased over the border impasse with Ethiopia, and the government increased its roundups of young men and women for national service and imposed additional travel restrictions on diplomats, humanitarian and development agencies, and UN Mission to Eritrea and Ethiopia (UNMEE). The following human rights problems were reported:

- the inability of citizens to change their government
- unlawful killings by security forces, including some resulting from torture
- numerous reports of torture and physical beatings of prisoners, particularly draft evaders
- poor prison conditions for detainees
- prohibition on prison visits by local or international groups, except in limited cases the International Committee of the Red Cross (ICRC)
- arbitrary arrests and detentions, including an unknown number of political detainees
- executive interference in the judiciary and the use of a special court system to limit due process infringements on privacy rights
- severe restrictions on freedom of speech and press
- restrictions on freedom of assembly and association
- interference with freedom of religion for religious groups not approved by the government
- restrictions on freedom of movement, both within the country and departing the country
- limits on the activities of nongovernmental organizations (NGOs)
- violence and societal discrimination against women and the widespread practice of female genital mutilation (FGM)
- societal discrimination against members of the Kunama ethnic group and homosexuals
- restrictions on workers' rights

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; 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 reportedly occurred during the year. Several persons detained for evading national service died after harsh treatment by security forces (see section 1.c.). There were also reports that numerous members of unregistered churches died following abuse by security forces (see section 2.c.).

The London-based NGO Eritreans for Human and Democratic Rights reported that on June 10 military personnel shot and killed 161 youth at Wia Military Camp who were trying to escape.

No action was taken during the year against the guards who killed draft evaders trying to escape from a collapsing detention center in November 2004.

According to the Government Commission for Coordination with the UN Peacekeeping Mission, there were an estimated 3 million landmines and unexploded ordnance in the country left over from the country's 30-year war of

independence and the 1998–2000 conflict with Ethiopia. The Eritrean Islamic Jihad Movement and others laid some new mines during the year. The UN reported 11 deaths and 46 injuries from landmine incidents during the year; at least 3 of these casualties involved newly laid landmines. It was probable that there were additional, unreported deaths in remote areas. The government halted its demining program in April. The UN demining programs continued throughout the year, although their effectiveness was limited by a government order in October grounding all UN helicopters. As a result UNMEE transferred most of the demining activities to Ethiopia. The air restrictions also constrained UNMEE's ability to supply troops in the field, monitor the Temporary Security Zone area, and support medical evacuations.

There was no additional information during the year regarding the 2003 killing of British national Timothy Butt in the western Bisha region or the 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.

At year's end the whereabouts of an unknown number of Kunama, members of an ethnic group residing predominantly near the border with Ethiopia and detained because of their association with other captured or killed Kunama insurgents, remained unknown.

At year's end the whereabouts of 11 senior PFDJ and National Assembly members, arrested by the government in 2001, remained unknown.

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

The law 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 subjected deserters and draft evaders to various disciplinary actions that included prolonged sun exposure in temperatures of up to 120 degrees Fahrenheit or the binding of the hands, elbows, and feet for extended periods.

There were reliable reports that torture was widespread in an unknown number of detention facilities. In addition to psychological abuse, escapees reported the use of physical torture at a few prisons. 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 torture technique known as the "helicopter."

There were reports that some women drafted to the national service were subjected to sexual harassment and abuse. There were unconfirmed reports that instructors raped young girls at Sawa Military Camp.

Prison and Detention Center Conditions

Prison conditions for the general prison population were poor. There were reports that prisoners were held in shipping containers with little or no ventilation in extreme temperatures. At Aderser, near Sawa, there were reports that prisoners were held in underground cells.

There were substantial reports that prison conditions for persons temporarily held for evading military service were also poor. Unconfirmed reports suggested there may be hundreds of such detainees. Draft evaders were typically held for 1 to 12 weeks before being reassigned to their units. At one 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.

Several persons detained for evading national service died after harsh treatment by security forces, including the binding of hands and feet behind the head. In addition several detainees who suffered from ill health in prison died within days of their release from lack of medical care.

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, 11 PFDJ and national assembly detainees and others detained on national security grounds in 2001 were believed to be held separately, although their whereabouts remained unknown. These political detainees continued to be denied visitors during the year.

Local groups and human rights organizations were not allowed to monitor prison conditions. The government prohibited the ICRC from visiting the unknown number of Ethiopian soldiers who the government claimed were deserters from the Ethiopian army or to visit any Eritrean detainees or prisoners, although the ICRC was allowed to visit and register Ethiopian civilian detainees in police stations and prisons. Authorities generally permitted three visits per week by family members, except for detainees arrested for reasons of national security or for evading national service.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention; however, arbitrary arrest and detention were serious 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 in response to both domestic and external security requirements. For example, agents of the National Security Office, which reports to the Office of the President, are responsible for detaining persons suspected of threatening national security.

Active duty police officers are in charge of key police divisions. The police force was adequate in enforcing traffic laws and combating petty crime. Generally the police did not have a role in cases involving national security, but beginning in the fall, the police became involved in the rounding up of individuals evading national service. The military has the power to arrest and detain persons, and internal security forces and the military detained many persons during the year.

Corruption was not prevalent. There were no mechanisms to address allegations of abuse among the police, internal security, or military forces.

Arrest and Detention

The law 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, usually without warrants. Authorities often did not promptly inform detainees of the charges against them. Often detainees did not have access to legal counsel (see section 1.e.) or appear before a judge, and incommunicado detention was widespread. There was a functioning bail system for all cases, except those involving national security or for which capital punishment might be handed down.

Security forces detained, generally for less than three days, many persons during searches for evaders of national service even if they had valid papers showing that they had completed or were exempt from national service (see section 1.c.). Beginning in June, security forces began detaining and arresting parents of individuals who had evaded national service duties or fled the country (see section 1.f.).

On March 30, the government arrested three union leaders. They remained in police custody without charge or access to a lawyer at year's end.

There were reports of up to several hundred 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. 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.

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) and 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.

The government continued to detain journalists it took into custody in 2001 (see section 2.a.).

The government continued to arrest and detain members of nonregistered religious groups, some of whom have been detained for more than 11 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 six months.

In May the government reportedly freed approximately 110 citizens who had been deported from Libya in July 2004 and imprisoned and held without charge. Also in May the government reportedly released citizens who were deported from Malta in 2002. Approximately 220 persons had been deported from Malta, but an unknown number died in detention or reportedly were killed while trying to escape since their incarceration in 2002.

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.

The government held numerous pretrial detainees during the year; however, there were widespread reports that the government released an unknown number of detainees held without charge during the year. An unknown number of persons suspected of antigovernment speech, association with the 11 former PFDJ members arrested in 2001, Islamic elements considered radical, or suspected terrorist organizations continued to remain in detention without charge, some of whom 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.

e. Denial of Fair Public Trial

The law provides for an independent judiciary; however, the judiciary was weak and subject to executive control. 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 impact on the judiciary.

The judicial system had two parts: civilian and special courts. The civilian court system consisted of community 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. The High Court took an average of 2 months to decide if it would hear an appeal, and at year's end had a backlog of approximately 200 cases. Minor infractions involving sums of less than approximately \$7,300 (100 thousand nakfa) are brought to community courts. More serious offenses are argued before regional courts, but a significant proportion of cases involving murder, rape, and other felonies are heard by the High Court. 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 hear cases in which the High Court serves as the court of final appeal.

The executive-controlled Special Court issues 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 respect for due process.

The judges in the special court in both branches are senior military officers, with no formal legal training. They generally based their decisions on "conscience," without reference to the law. There is no limitation on punishment, although the special courts did not hand down capital punishment sentences during the year. 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. Reportedly in rare instances, appeals made to the Office of the President resulted in special courts rehearing certain cases.

Trial Procedures

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 and fair trial.

Unlike the special court system, the law provides specific rights to defendants in the regular court system. Although defendants could hire a legal representative at their own expense, most detainees could not afford to do so and consequently did not have access to legal counsel. 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 have the right to confront and question witnesses, present evidence, have access to government held evidence, appeal a decision, and have presumption of innocence; it was unknown how well these rights were enforced in practice.

Most citizens only had contact 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.

Political Prisoners

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

Property Restitution

The government failed to compensate foreigners for property taken by preindependence governments or to restore the property to them.

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.

The government deployed military and police throughout the country using roadblocks, street sweeps, and house-to-house searches to find deserters and draft evaders as well as parents of deserters and draft evaders. There

were reports that security forces targeted gatherings of unregistered religious groups.

The government monitored mail, e-mail, and telephone calls without obtaining warrants as required under the law. 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.

Beginning in June, security forces began detaining and arresting parents of individuals who had evaded national service duties or fled the country. They required the parents to pay a fine and bring their children back before they would release them. These arrests and detentions continued through year's end.

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 these rights in practice. Citizens did not have the right to criticize their government in public or in private. The private press remained banned, and most independent journalists remained in detention or had fled the country, which effectively prevented all public criticism of the government.

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

The government permitted three reporters from foreign news organizations to operate in the country. In November the Swedish reporter, who was held by the government for nearly four years, was released for medical treatment and then was detained again a few days later; he remained in detention without charge at year's end.

Contrary to what was reported in 2004, authorities did not at any time arrest Goitom Biahon, a journalist who submits reports to *Deutsche Welle*.

At least 15 local journalists who were arrested in 2001 remained in government custody at year's end. The four Oromo journalists, who came to the country initially at the invitation of the government to seek refuge from Ethiopia, spent two months in UN High Commissioner for Refugees (UNHCR) protection in the fall. They have an agreement with a foreign country to be repatriated; however, the government refused to issue them exit visas.

There were no government restrictions on the Internet.

The government restricted academic freedom; freedom of speech, 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 for the last three years prospective students were diverted to the Mai Nafhi Technical Institute and did not continue to the university (see section 5). Students at Mai Nafhi Technical Institute were not allowed to choose what subjects they studied. The government did not provide exit visas to students who wanted to study abroad.

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 four religious groups whose registrations had been approved by the government were allowed to meet legally during the year. These were: 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). Members of the nonregistered churches continued to be arbitrarily arrested throughout the year.

During the year there continued to be reports that security forces used extreme physical abuses such as bondage, heat exposure, and beatings to punish those detained for their religious beliefs, and that numerous detainees were 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 there were reports that several dozen followers of various unregistered churches (mostly Protestant) were detained, harassed, and abused. For example, there were credible reports that 19 members of unregistered churches died in June at the Wia military camp after authorities bound them by the hands and feet and left them

outside in extremely hot conditions.

In February the government shut down and arrested the organizers of a Sunday school organized by an Orthodox church group known as Medhane Alem, a group whose religious services the government did not approve. At year's end the three organizers remained in jail. The three ministers who led the Medhane Alem group and who were arrested in October 2004 remained imprisoned without charge at year's end.

On May 28, authorities arrested over 200 members of unregistered churches at a wedding party in Asmara. Authorities reportedly detained several minors from that event for up to two days. Apparently 11 were still being detained at year's end.

In September the government reportedly detained 20 members of the Hallelujah and Philadelphia churches for organizing a wedding party in Asmara; they were released 1 month later.

In January the government released 47 of the 60 Rema Church members who had been arrested in December 2004 during a home prayer meeting. The remaining 13 persons were reportedly still being detained on grounds of evading national service at year's end.

Opposition websites reported in October that the government detained nearly 200 members of evangelical churches.

There were no known developments relating to the March 2004 arrest of 20 members of the Kalehiwot Church or the May 2004 arrest of the leaders of the Eritrean Evangelical Alliance, the Full Gospel Church, and the Rhema Church.

It was unknown whether the government had released the 57 students arrested in 2003.

There were credible reports that, at the government's direction, the functions of the Patriarch of the Orthodox Church were reduced to a ceremonial role and his administrative responsibilities were transferred to an administrator who is neither a member of the clergy nor an appointee of the Patriarch as required by the constitution of the Eritrean Orthodox Church. The Patriarch reportedly was put under house arrest. This effectively put the government in control of the Orthodox Church. The government also harassed and monitored members of one Orthodox church whose religious services it did not approve.

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 NGOs. The government's Office of Religious Affairs monitored religious compliance with this proscription.

The government does not excuse individuals who object to national service for religious reasons or reasons of conscience, nor does the government allow for alternative service. The government continued to harass, detain, and discriminate against the small community of members 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. 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. 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 had their identity cards revoked or were not issued them at all.

At year's end approximately 15 of the 40 Jehovah's Witnesses arrested during a home prayer meeting in January 2004 remained incarcerated.

According to the Office of General Counsel for the Jehovah's Witnesses, up to 22 Jehovah's Witnesses remained imprisoned without charge, including 3 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, 3 of the individuals have been detained for more than 11 years. Of the members of Jehovah's Witnesses detained, 10 were reportedly held at Sawa Military camp and 1 in prison in Asmara.

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

Societal Abuses and Discrimination

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 Pentecostal groups and Jehovah's Witnesses during the year.

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

For a more detailed discussion, see the 2005 [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 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 border with Sudan and Ethiopia. Military police periodically set up roadblocks in Asmara and on roads between other cities to find draft evaders and deserters (see section 1.d.). The government tightened restrictions on travel permits for diplomats; however, they continued to issue travel permits to most NGOs, tourists, and journalists.

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

Citizens and foreign nationals were required to obtain an exit visa to depart the country. There were numerous cases where foreign nationals were delayed in leaving for up to two months or initially denied permission to leave when they applied for an exit visa. Men under the age of 50, regardless of whether they had completed national service; women ages 18 to 27; members of 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. In addition, the government often 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 \$7,300 (100 thousand nakfa).

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

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, including exit visas, upon 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.

During the year, in conjunction with the ICRC, the government repatriated approximately 979 Ethiopians to Ethiopia.

Internally Displaced Persons (IDPs)

Approximately 20 thousand IDPs from the conflict with Ethiopia were permanently resettled during the year. Approximately 51 thousand IDPs remained in 7 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 government allowed UN organizations to provide assistance to IDPs. In late May the government seized approximately 45 UNHCR vehicles, which seriously impacted their ability to monitor programs and provide follow-up. The vehicles were not returned by year's end.

Protection of Refugees

The law does not provide for the granting of asylum or refugee status in accordance with the definition in the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has not established a system for providing protection to refugees. As a result the government cannot issue legal refugee or asylum status. However, in practice the government provided some protection against *refoulement*, the return of persons to a country where they feared persecution and provided temporary protection to approximately four thousand persons from Sudan and Somalia on a *prima facie* basis. The government granted 19 Ethiopians who deserted the Ethiopian army, residency status. Another 1,400 Ethiopians sought asylum with the UNHCR, but the government refused to issue them exit visas. Approximately 16 thousand Ethiopian had temporary residence in the country. The government cooperated with the office of the UNHCR in assisting refugees who were not from Ethiopia.

There were 770 Sudanese refugees at Elit camp in the West and 3,500 Somali refugees at Emkulu camp, near Massawa. There were also up to 30 thousand Beja Sudanese and approximately 600 Ethiopians in the Gash Barka region to which the UNHCR had no access or responsibility. The UNHCR was accommodating 1,100 Ethiopians in urban areas, an increase from only 5 cases in 2002. The government issued residency permits to Ethiopians living in the country for a fee; however, it did not issue them exit visas.

The UNHCR reported that although it ended organized repatriation of refugees from Sudan on December 31, 2004, 18 refugees returned to the country spontaneously during the year.

There were reports during the year that the government refused to allow the UNHCR to resettle several ethnic Oromo journalists from Ethiopia (see section 2.a.).

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.

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 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 is the PFDJ.

There were 3 women on 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.

There was no information on whether members of ethnic minorities were on PFDJ's 19-member Executive Council, served on the 75-member Central Council, or participated in the constitutional commission.

Government Corruption and Transparency

There were reports of petty corruption within the executive branch, largely based on family connections. There were unconfirmed reports of more serious corruption among military leaders involving illicit trade and the appropriation of houses.

Although the law provides for public access to government information, the government did not provide information to persons who submitted requests.

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 (CPE)--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.

The government did not permit international human rights organizations to operate within the country.

All NGOs, regardless of their scope of work, were required to register with the Ministry of Labor and Human Welfare. In May the government issued a law that requires all NGOs to register with the government for permission to continue operations in the country. It also requires international NGOs to have \$2 million (in US currency) in the local bank. Many NGOs were unable to register under the new law and were required to leave the country. As of year's end there were 16 registered NGOs.

During the year the government ordered a foreign government's aid agency to stop operating in the country.

The government allowed the ICRC to operate. During the year the ICRC provided shelter to approximately one thousand 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 (see section 1.c.) and provided assistance to approximately 50 thousand citizens through projects in water supply, health structure rehabilitation, and housing.

The government cooperated with the UNMEE's Office for Human Rights.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law prohibits discrimination against women and persons with disabilities, and while the government generally enforced these provisions, violence against women and discrimination against minority ethnic groups continued.

Women

Violence against women was pervasive. Domestic violence is a crime; however, domestic violence, especially wife beating, was widespread. Women seldom openly discussed domestic violence because of societal pressures. Although the law prohibits domestic violence, the government did not effectively enforce the law. Such incidents were more commonly addressed, if at all, within families or by religious clergy. The government's response to domestic violence was hindered by a lack of training, inadequate funding, and societal attitudes.

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

FGM was widespread, with some estimates as high as 89 percent frequency among girls. Almost all ethnic and religious groups in the country practiced FGM. In the lowlands, infibulation--the most severe form of FGM--was

practiced. There is 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.

Prostitution is illegal but was a serious problem. Security forces, who regularly patrolled the city at night, occasionally followed prostitutes and arrested those who had spent the night with a foreigner.

Laws exist prohibiting sexual harassment; 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, with greater disparities in rural areas than in cities. Women generally did not enjoy a social status equal to men.

The law requires that women ages 18 to 27 participate in national service (see section 6.c.). During the year the government continued efforts to detain women draft evaders and deserters. According to reports some women drafted for national service were subject to sexual harassment and abuse.

Children

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

The government required that all students attend their final year of secondary school 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 do not graduate and cannot sit for examinations to be eligible for advanced education. The remote location of this boarding school, security concerns, and societal attitudes resulted in few girl students enrolling for their final year; however, women may earn an alternative secondary school certificate by attending night school after completing national service.

The government operated 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. Mai Nafhi offered a wide variety of classes, ranging from the sciences to business and technology. No new students were accepted at the University of Asmara in the last three years.

Although the government did not provide medical care for children, it operated an extensive vaccination program.

There are no laws against child abuse, and child abuse was not common.

FGM was performed on an estimated 89 percent of young girls (see section 5, women).

The minimum age for marriage for both men and women is 18, although religious entities may bless marriages at younger ages. UN Children's Fund reported that in the west and in coastal areas child marriage occurred. Within the Tigrinya and Tigre ethnic groups underage marriage was relatively rare.

The law criminalizes child prostitution, pornography, and sexual exploitation; however, some children were involved in prostitution. The government had an aggressive program to identify these children and reintegrate them into their families and society.

Trafficking in Persons

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

Persons with Disabilities

The law prohibits 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.

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

During the year abuse of Ethiopians by individuals was not systematic, and there were fewer cases than in previous years.

Other Societal Abuses and Discrimination

Homosexuals faced severe societal discrimination, and there were reports that the government expelled several expatriates in 2004 due to their sexual orientation.

Section 6 Worker Rights

a. The Right of Association

The 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; however, the government did not approve the formation of any unions. All unions, including the Teacher's Union, Women's Union, Youth's Union, and Worker's Union, were run by the government. Usually the leaders are government employees and any activity is government sanctioned.

On March 30, the government arrested three trade union activists. At year's end they were being held incommunicado, reportedly, in a secret detention center controlled by security forces.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice. Collective bargain is protected under the law, however, no agreements existed. The law allows strikes; however, workers did not exercise this right in practice. 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 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.

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 bars 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, 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, but inspections were infrequent.

e. Acceptable Conditions of Work

The minimum wage in the civil service sector of \$24 (325 nakfa) per month did not provide a decent standard of living for a worker and family. Most people in national service and the service industry made even less than the minimum wage. The government did not enforce the minimum wage law. There is no legally mandated minimum wage in the private sector.

The standard workweek is 44½ hours, but many persons worked fewer hours. Workers are entitled to one rest day per week; most workers were allowed 1 to 1½ days off per week. There are no prohibitions against excessive overtime.

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.



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