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2019 TRAFFICKING IN PERSONS REPORT: ERITREA

ERITREA: TIER 3

The Government of Eritrea does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so; therefore Eritrea remained on Tier 3. Despite the lack of significant efforts, during the reporting year the government cooperated with an international organization to host and facilitate a conference on compliance with international conventions on organized crime, particularly on trafficking, and trained some Eritrean prosecutors and law enforcement officials. However, the government continued to subject its nationals to forced labor in its compulsory national service and citizen militia by forcing them to serve for indefinite or otherwise arbitrary periods. The government did not report any trafficking investigations, prosecutions, or the identification and protection of any victims. The government did not report holding any complicit officials accountable for trafficking crimes. Authorities did not report the development of formal procedures for the identification and referral of victims to care, nor did the government report providing any services directly to victims. The government regularly conflated trafficking with transnational migration or smuggling.

PRIORITIZED RECOMMENDATIONS

Enforce existing limits on the length of active national service to 18 months and cease the use of threats and physical punishment for non-compliance. • Develop, enact, and enforce an anti-trafficking statute that criminalizes all forms of trafficking, including sex trafficking and forced labor, clearly differentiating between emigration, smuggling, and human trafficking. • Provide protective services to trafficking victims. • Extend existing labor protections to persons performing national service and other mandatory citizen duties. • Continue and strengthen partnerships with international organizations to provide training to all levels of the government, specifically law enforcement and border guard officials, on identifying and responding to trafficking crimes.

PROSECUTION

The government maintained negligible anti-trafficking law enforcement efforts. The Eritrean Penal Code of 2015 criminalized some forms of trafficking in persons. Article 315 criminalized trafficking in women and young persons for sexual exploitation, which was punishable by up to seven years' imprisonment; these penalties were sufficiently stringent and, with respect to sex trafficking, commensurate with punishments prescribed for other serious crimes, such as kidnapping. Article 297 criminalized enslavement and prescribed penalties of seven to 16 years' imprisonment, which were sufficiently stringent. Article 299 criminalized forced labor and prescribed penalties from six to 12 months' imprisonment or a fine of 20,000 to 50,000 nakfa (\$1,330-\$3,330). These penalties were not sufficiently stringent.

The government did not report investigating, prosecuting, or convicting suspected traffickers during the reporting period. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking, but sources indicated Eritrean military officers may have been complicit in smuggling, and possibly trafficking offenses; during the previous reporting period, unconfirmed reports claimed the government arrested 44 military officials for conspiracy to subject Eritreans to migration-related crimes and possibly trafficking. The government did not report providing any trafficking-specific training for judicial, prosecutorial, or law enforcement personnel; however, for the first time, in January 2019, it cooperated with an international organization to host and facilitate a conference on compliance with international conventions on

organized crime, to include trafficking, which reached an unknown number of prosecutors and law enforcement officials who participated. The government continued to conflate transnational migration and human trafficking crimes.

PROTECTION

The government did not report any efforts to identify or protect trafficking victims. The government did not have formal procedures to proactively identify trafficking victims among vulnerable groups, particularly those fleeing the country, primarily to Sudan and Ethiopia; some of these nationals were vulnerable to being indiscriminately arrested, detained, harassed, or forcibly recalled into national service. The government did not report having or developing a systematic mechanism for the referral of identified trafficking victims to care. In addition, it did not provide information on its funding for victim protection, any incentives for victims to assist in trafficking investigations or prosecutions, and it did not report providing foreign victims with legal alternatives to their removal to countries where they faced retribution or hardship.

PREVENTION

The government maintained negligible efforts to prevent trafficking. It provided minimal information regarding any Eritrean national action plan but sought assistance from international entities to develop interstate cooperative agreements on organized crime, to include trafficking. In recent years, the government reportedly educated its citizens on the dangers of irregular migration and trafficking through awareness-raising events, poster campaigns, and mass convocations and exhortations, through the National Union of Eritrean Women, National Union of Eritrean Youth and Students, and National Confederation of Eritrean Workers; however, such efforts conflated transnational migration and human trafficking. It continued to subject its nationals to forced labor in its compulsory national service and citizen militia. While the Proclamation of National Service 11/199 prohibited the recruitment of children younger than 18 years of age into the armed forces and applied sufficiently stringent penalties for this crime, previous reports alleged some children younger than 18 were sent to *Sawa* military and training academy for completion of their final year of secondary education. The government did not report on its efforts to reduce the demand for commercial sex acts or forced labor, or its provision of anti-trafficking training for its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic victims in Eritrea, and traffickers exploit victims from Eritrea abroad. Perennially, thousands of Eritreans who fled the country are smuggled migrants seeking to be reunited with family members already overseas; those who sought to escape human rights abuses, including arbitrary arrest and detention, lack of due process, and religious persecution; were in search of better economic opportunities; or hoped to avoid the often indefinite periods of service in the government's mandatory National Service. Proclamation 82 of 1995 requires all persons aged 18 to 40 years to perform compulsory active national service ostensibly for a period of 18 months—six months of military training followed by 12 months of duty in a variety of military, security, or public service positions. However, since the 1998-2000 Eritrean-Ethiopian border conflict, the 18-month limit has been suspended; most individuals are not demobilized from government work units after their mandatory period of service but rather forced to serve indefinitely under threats of detention, torture, or familial reprisal. An international organization assesses that many Eritrean asylum seekers, particularly those who deserted National Service when they fled, expressed well-founded fears of persecution in Eritrea, and there are an unknown number of cases of returnees disappearing, presumably in prison, with their whereabouts unknown. It was this same expert's assessment that traffickers exploited Eritreans in forced labor and sex trafficking primarily in Sudan, Ethiopia, and Libya.

National Service takes a wide variety of forms, including active military duty, although active military duty constitutes a small and diminishing percentage; office work in government agencies and enterprises (functions

ranging from lawyers, diplomats, and mid-level managers to skilled technicians and mechanics, to clerical, maintenance, and janitorial work); medical professionals and support workers; elementary and secondary school teachers; and construction or other unskilled physical labor. Conditions are often harsh for those in military service or physical labor, though some National Service members experience normal, civilian workplace conditions, albeit with low pay and negligible to complete lack of freedom of choice or movement. In 2012, the government instituted a compulsory citizen militia, requiring medically fit adults up to age 70 not currently in the military to carry firearms and attend military training or participate in unpaid national development programs, such as soil and water conservation projects. Eritreans may be released from National Service after an indefinite number of years by petitioning the government based on criteria that shift periodically and are not fully transparent; policies and practices for obtaining release from National Service are inconsistent across organizations and job fields. Certain professions (e.g., medicine and teaching) exist almost exclusively within the ranks of the National Service. Wages are extremely low—although pay raises have been granted for a number of job functions in recent years—and the government often supplants obligated payments with food or non-food rations. Eritrean officials continue to discuss—particularly on the heels of the 2018 peace agreement with Ethiopia—hard-capping National Service to 18 months, but this change in policy has never been publicly announced and those serving in the obligatory government program beyond 18 months have yet to be demobilized.

All 12th-grade students, including some younger than age 18, are required to complete their final year of secondary education at the *Sawa* military and training academy; those who refuse to attend cannot receive high school graduation certificates, attain higher education, or be offered some types of jobs. Government policy bans persons younger than 18 from military conscription; however, according to previous reports from some organizations outside of Eritrea, the government in some instances includes children younger than age 18 in groups sent to *Sawa*. For unreported reasons, during the current reporting period the government discontinued *Maetot*, a national service program in which secondary-school children were assigned to work in public works projects, usually within the agricultural sector, during their summer holidays. Unaccompanied children continue to be vulnerable to violence and exploitation. Some officials detain or force into military training children who attempt to leave Eritrea despite some of them being younger than the minimum service age of 18. Traffickers subject Eritreans to forced labor and sex trafficking in Israel, reportedly after they survive torture while transiting through the Sinai Peninsula. Traffickers also subject smaller numbers of Eritrean women and children to sex trafficking in Sudan; anecdotal reports suggest traffickers sometimes force Eritrean migrants into prostitution in nightclubs in Khartoum, Sudan. International criminal groups kidnap vulnerable Eritreans living inside or in proximity to refugee camps, particularly in Sudan, and transport them primarily to Libya, where traffickers subject them to human trafficking and other abuses, including extortion for ransom. Some migrants and refugees report traffickers force them to work as cleaners or on construction sites during their captivity.

From September-December 2018, the government opened various land border crossing points with Ethiopia that had been closed for 20 years, and ceased requiring exit visas or other travel documents for Eritreans crossing to Ethiopia. While reports allege this open border has drastically reduced the business of migrant smuggling into Ethiopia, other sources say these networks still exist. During the reporting period, on the Eritrean side, one of the two official border crossings with Sudan remained closed. Most Eritreans consensually commence their outbound journeys with the aid of payment to smugglers, but in many cases this movement devolves into trafficking situations and conditions highly vulnerable for exploitation. Eritrea's strict exit control procedures and limited issuance of passports, which compel those who cannot obtain exit visas or documents to travel clandestinely, increase its nationals' vulnerability to trafficking abroad, primarily in Sudan, Ethiopia, and to a lesser extent Djibouti, with the ultimate goal of seeking asylum in Europe or at a minimum, obtaining refugee status in Ethiopia, Kenya, Egypt, Israel, or Uganda; some also strive to reach the United States. An international body posits the number of Eritreans crossing into Ethiopia during the initial two months following the September 2018 border opening was 27,000, while other sources allege as many as 200,000 fled to Ethiopia by the end of the year. Another international organization estimates 3,500 Eritreans entered Sudan seeking refugee or asylum status in 2018. The small number of Eritreans crossing into Djibouti were almost exclusively members of the Afar ethnic group, which spans the Eritrea, Djibouti, Ethiopia border region. Afar members are able to cross the border freely with a permit from a tribal leader; it is an otherwise restricted military area through which non-Afars are prohibited to enter. During the current reporting period, concerns materialized that Eritrea's development of the port in Massawa for domestic use and to service Ethiopia could exacerbate trafficking vulnerabilities due to increased commerce and an uptick in foreign laborers. Moreover, the lack of visa requirements for Eritreans

traveling to Ethiopia, as well as the ability to travel overland without passports heightens these workers' vulnerability to exploitation. Reports persist that Eritrean military officers are complicit in migration-related and possibly trafficking crimes along the border with Sudan.