

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	79
Land:	Eritrea
Kilde:	U.S. Department of State
Titel:	"Country Report on Human Rights Practices - 2006"
Udgivet:	6. marts 2007
Optaget på baggrundsmaterialet:	1. maj 2007



U.S. DEPARTMENT of STATE

Eritrea

Country Reports on Human Rights Practices - [2006](#)

Released by the Bureau of Democracy, Human Rights, and Labor

March 6, 2007

Eritrea, with a population of approximately 3.6 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, heads the PFDJ, the national legislature, and the military. The government continuously postponed presidential and national legislative elections; national elections have never been held. Despite international efforts to resolve the situation, an ongoing border dispute with Ethiopia seriously hindered international trade, affected the government's external relations, and was used by the government to justify severe restrictions on civil liberties. Civilian authorities generally maintained effective control of the security forces.

The government's human rights record worsened, and it continued to commit numerous serious abuses, including: abridgement of citizens' rights to change their government through a democratic process; unlawful killings by security forces; torture and beatings of prisoners, some resulting in death; harsh and life threatening prison conditions; arbitrary arrest and detention; executive interference in the judiciary and the use of a special court system to limit due process; government infringement on privacy rights; government roundups of young men and women for national service; arrest, incarceration, and torture of family members of national service evaders, some of whom reportedly died of unknown causes while in detention; severe restrictions on basic civil liberties, including freedoms of speech, press, assembly, association, and religion, particularly for religious groups not approved by the government; restrictions on freedom of movement and travel for diplomats, humanitarian and development agencies, and UN Mission to Eritrea and Ethiopia (UNMEE) personnel; government circumscription of Non-governmental organization (NGO) activities; violence and societal discrimination against women and the widespread practice of female genital mutilation (FGM); governmental and societal discrimination against members of the Kunama ethnic group and homosexuals; and limitations 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

There were no reports that the government or its agents committed 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 reports of summary executions and of individuals shot on sight near the Ethiopian border, allegedly for attempting to cross the border. There were reports that individuals were severely beaten and killed during government roundups of young men and women for national service (see section 1.c.).

Persons arrested and detained because of their religious affiliation died from security force abuses (see section 2.c.).

There was no additional information regarding action taken against military personnel who shot and killed 161 youths who were trying to escape from Wia Military Camp in June 2005 as reported by the London-based NGO, Eritreans for Human and Democratic Rights.

According to the Government Commission for Coordination with the UN Peacekeeping Mission, there were an estimated three 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 three deaths and eight injuries from landmine incidents during the year; at least two of the deaths and seven of the injuries involved newly laid landmines. It was probable that there were additional, unreported deaths in remote areas. The government's demining program continued; however, statistics from this program were unavailable at year's end. The UN demining programs continued throughout the year, although their effectiveness was limited by a government order in October 2005 grounding all UN helicopters (see section 2.d.). As a result, UNMEE transferred most of the demining activities to Ethiopia.

b. Disappearance

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

The whereabouts of an unknown number of Kunama, members of an ethnic group residing predominantly along the border with Ethiopia who were detained in 2005 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 and several journalists and employees of diplomatic missions arrested by the government in 2001 remained unknown; however, there were unconfirmed reports during the year that several had died in detention and the rest were being held in solitary confinement.

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

The law and unimplemented constitution prohibit torture; however, there were numerous reports that security forces resorted to torture and physical beatings of prisoners, particularly during interrogations. There were credible reports that several individuals, including young men and women rounded up for national service, died following torture or severe beatings by security forces. 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 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 and abuse 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 technique known as the "helicopter."

There were reports that, on October 17, two men detained in a military camp for holding religious services in a private home died as a result of injuries sustained during torture (see section 2.c.).

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 female students at Sawa Military Camp.

Prison and Detention Center Conditions

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

There were substantive reports that the detention center conditions for persons temporarily held for evading military service were also harsh and life threatening. Unconfirmed reports suggested there may be hundreds of such detainees. Draft evaders were typically held for one to 12 weeks before being reassigned to their units, although some were held for as long as two years. At one detention facility outside Asmara, detainees reportedly were held in an underground hall with no access to light or ventilation and sometimes in very crowded conditions. Some detainees reportedly suffered from severe mental and physical stress due to these conditions.

Unlike in the previous year, there were no reported deaths from adverse conditions.

Women and their young children were held separately from men. There is no juvenile detention center in Asmara, and juvenile offenders often were incarcerated with adults. There were reports that juveniles held in adult facilities were sodomized. Pretrial detainees generally were not held separately from convicted prisoners; however, in some cases detainees were held separately. Visitors were allowed sometimes, and prison authorities permitted family members to leave food and supplies for detainees at jails, prisons, and detention centers; released detainees reported that they received these items even if they were unable to meet with visitors.

Local groups and human rights organizations were not allowed to monitor prison conditions. The government prohibited the International Committee of the Red Cross (ICRC) from visiting the unknown number of Ethiopian soldiers, who the government claimed were deserters from the Ethiopian army, or 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 and unimplemented constitution prohibit 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. Agents of the National Security Office, which reports to the Office of the President, are responsible for detaining persons suspected of threatening national security. The military has the power to arrest and detain persons.

Active duty police officers were 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 2005 the police became involved in the rounding up of individuals evading national service. During the year the police, the military, and internal security forces engaged in arrests and detentions. Police and security forces frequently used violent tactics, such as beating and shooting in the air to control crowds in social settings and during roundups.

Corruption was not prevalent; however, there were reports that police demanded bribes to release detainees and that military forces accepted money to smuggle citizens out of the country. There were no mechanisms to address allegations of abuse among the police, internal security, or military forces, and impunity was a problem.

Arrest and Detention

The law stipulates that detainees must be brought before a judge within 48 hours and may be held for a maximum of 28 days without being charged with a crime. In practice authorities often detained persons suspected of crimes for much longer periods. The law stipulates that, unless there is a "crime-in-process," police must conduct an investigation and obtain a warrant prior to an arrest. In cases of national security, this process may be waived. In practice very few individuals were arrested with a warrant. 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, except for cases involving national security or for which capital punishment might be handed down.

Arbitrary arrest and detention were serious problems. For example, on September 16-17, police reportedly arrested more than 2,000 persons at several nightclubs in Asmara. In one of the nightclubs, police reportedly surrounded the club, entered, and began to check the identification cards of those inside. After initially arresting only specific individuals, police changed their approach and arrested without charge everyone inside the club--approximately 250 persons--using sticks and threats to control the crowd. Most of those detained were subsequently released after posting bail. No trials were held in connection with the incident.

Security forces continued the practice begun in 2005 of detaining and arresting parents of individuals who had evaded national service duties or fled the country, although there is nothing in the legal code to warrant such arrests (see section 1.f.). In December security forces in Asmara and surrounding areas arrested over 500 family members and spouses of national service evaders. Those who were arrested continued to be detained, reportedly under harsh conditions, at year's end.

Security forces arbitrarily arrested dual nationals and foreigners and detained at least two foreign diplomats during the year, often under the guise of national security. There were reports that plainclothes agents of the National Security Office entered homes and arrested occupants. There also were reports that individuals were threatened by security forces over extended periods of time.

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.). There were reports that individuals who spoke out against the government or publicly questioned government actions were arrested and detained without due process.

The government continued to arrest and detain members of nonregistered religious groups. Some members of nonregistered religious groups have been detained for more than 11 years (see section 2.c.).

Security forces arbitrarily arrested journalists during the year (see section 2.a.). The government continued to detain journalists it took into custody in 2001 (see section 2.a.).

Ethiopian nationals reportedly were singled out for arrest because they were unable to pay the necessary fees to renew their residency permits every 12 months (see section 2.d.).

The government detained without charge an UNMEE official, who was released in October. (see section 4).

The three union leaders arrested in March 2005 reportedly were being held incommunicado at year's end.

There were no further reports about the several hundred politically motivated detentions in 2005 of persons 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 11 PFDJ National Assembly members who were detained in 2001 and of Eritrean 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 charge 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. Two additional citizens who worked for a foreign embassy, who were arrested in 2005 and 2006, respectively, also remained in detention at year's end.

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 and unimplemented constitution provide 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 government has not issued licenses to lawyers wishing to enter private practice for seven years.

The judicial system has two parts: civilian and special courts. The civilian court system consists of community courts, regional courts, and the High Court, which also serves as an appellate court. Appeals can be made in the civilian courts up to the High Court. The High Court took an average of four to six months to decide if it would hear an appeal and, at year's end, had a backlog of approximately 400 cases. Minor infractions involving sums of less than approximately \$7,300 (110,000 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 hears cases in which the High Court serves as the court of final appeal.

The executive-controlled special courts issue directives to other courts regarding administrative matters, although their domain was supposed to be restricted to criminal cases involving capital offenses, theft, embezzlement, and corruption. The Office of the Attorney General decides which cases are to be tried by a special court. No lawyers practice in the special courts. The judges serve as the prosecutors and may request that individuals involved in the cases present their positions. The special courts, which do not permit defense counsel or the right of appeal, allowed the executive branch to mete out punishment without 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. In rare instances, appeals made to the Office of the President reportedly resulted in special courts rehearing certain cases.

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

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

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 in the special court system, the law and unimplemented constitution provide 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. In the High Court, defendants have the right to confront and question witnesses, present evidence, gain access to government-held evidence, appeal a decision, and are presumed innocent; these rights were upheld in practice.

Political Prisoners and Detainees

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

Civil Judicial Procedures and Remedies

The civilian court system consists of community courts, regional courts, and the High Court, which also serves as an appellate court. Individuals with civil cases can also request their case be considered by the special courts. Most civil law relies on the Ethiopian legal code of 1957, as well as proclamations issued by the government. The judiciary purports to be independent and impartial.

Property Restitution

There were reports that the government seized property without restitution. The government failed to compensate foreigners for property taken by preindependence governments or to restore the property to them. There were no reports of the seizure of the private property of foreign nationals. Upon the ordered closure of several NGOs, the government required that all property be turned over to it, including items such as computers, printers, and vehicles.

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

The law and unimplemented constitution prohibit such actions; however, the government 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 and searched the homes of foreigners.

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 and government officials seized residences and businesses belonging to private citizens. There were reports they rented the property, used it as housing for senior military officers' and government officials' families, or occupied the property for government and military use.

There were reports that the government forced the resettlement of individuals residing in Massawa in preparation for the

construction of a new duty-free zone.

Security forces continued the practice begun in June 2005 of detaining and arresting parents of individuals who had evaded national service duties or fled the country (see section 1.d.). They required the parents to pay a fine of \$3,300 (50,000 nakfa) per child and bring their children back before they would release them. During the year the government began to allow families to pay the fine in installments as opposed to all at once. During the year the government also detained spouses of individuals who had evaded national service or fled the country, and the government prevented spouses of such individuals from departing the country.

While membership in the PFDJ, the government's only sanctioned political party, was not mandatory for all citizens, the government coerced membership in the PFDJ, particularly for individuals working in government positions or assigned through national service to serve in government institutions.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

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

The government controlled all media, including three newspapers, two magazines, one radio station, and one television station. The law does not allow private ownership of broadcast media or foreign influence or ownership of media, and there was no private media in the country. The government banned the import of foreign publications; however, individuals were permitted to purchase satellites and subscribe to international media. The government had to approve publications distributed by religious or international organizations before their release, and the government continued to restrict the right of the religious media to comment on politics or government policies. The press law forbids reprinting of articles from banned publications. The government also required diplomatic missions to submit all releases for approval before their publication in the government media.

The government permitted two reporters representing foreign news organizations to operate in the country; however, it frequently prevented them from filing stories with their news organizations. Both reporters departed the country in June, and the government delayed the arrival of their designated replacements for several months. The Swedish reporter who was held by the government for nearly four years, released for medical treatment in November 2005 and then detained again a few days later, remained in detention without charge at year's end. There are two international reporters operating in Eritrea.

In November the government arrested nine state journalists employed by the Ministry of Information; these individuals continued to be detained at year's end.

The government continued to refuse to issue exit visas to the four Oromo journalists who came to the country in 2005 at the invitation of the government to seek refuge from Ethiopia. The four have an agreement with a foreign country to be repatriated.

At least 15 local journalists who were arrested in 2001 remained in government custody at year's end.

Internet Freedom

There were no official government restrictions on the use of the Internet; however, all Internet service providers were required to use government-controlled Internet infrastructure to provide service. The government owned a significant percentage of the three Internet service providers. In September the police closed one of the Internet service providers for unknown reasons, although there were reports they had reopened by year's end. There were reports that the government severely restricted the bandwidth available to private Internet service providers, thus interfering with their ability to provide services.

There were reports that the government monitored Internet communications. In urban areas, individuals were able to access the Internet through Internet cafes for a fee or through an at-home service provider.

Academic Freedom and Cultural Events

The government restricted academic freedom; freedom of speech, movement of students, and the right to assemble were not respected in the academic context. The government issued a directive in 2002 reconfiguring the University of Asmara, which effectively shut down the university's undergraduate programs. As a result, prospective students have not been allowed to enroll in the university and instead were directed by the government to attend the Mai Nafhi Technical Institute (see section 5). During the summer the government transferred most of the university's undergraduate programs to vocational training schools spread throughout the country. Only the medical training programs remained in Asmara. Students finishing high school were not permitted to choose their next course of study and were assigned to specific vocational programs based on their performance on the matriculation exam. A few graduate level programs remained at the university; however, the law school was effectively closed, as new students were not permitted to enroll.

The government did not provide exit visas to some students who wanted to study abroad. University academics who wished to travel abroad for further study or training were required to seek permission from the university president and from the government prior to travel.

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

b. Freedom of Peaceful Assembly and Association

The law and unimplemented constitution provide for freedom of assembly and association; however, the government did not permit freedom of assembly or association. For gatherings of more than three persons, the government requires those assembling to obtain a permit.

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

On May 30, approximately 40 women and elders from the Debub region gathered at the Presidential Palace of Asmara to ask for information about their husbands, who had been detained in retribution for their children fleeing the country to evade national service; security forces arrested the women and elders for not having a permit to assemble. There was no information on the status of their cases at year's end.

c. Freedom of Religion

The law and unimplemented constitution provide 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. Security forces continued to abuse, arrest, and detain members of nonregistered churches; sometimes such abuse resulted in death.

Compass Direct reported that, on October 17, Immanuel Andegergesh and Kibrom Firemichel died from injuries and severe dehydration in a military camp outside the town of Adi-Quala according to credible reports. The two men were arrested two days earlier for holding a religious service in a private home.

There were reports that three members of nonregistered churches received a two-year sentence for violation of the government restriction on belonging to an unregistered religious group. During the year there continued to be reports that security forces used extreme physical abuse such as bondage, heat exposure, and beatings to punish those detained for their religious beliefs, 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 hundreds of followers of various unregistered churches (mostly Protestant) were detained, harassed, and abused. While some were detained for short periods of time and released, approximately 2,000 individuals remained in detention at year's end because of their religious affiliation, according to the NGO Compass Direct.

Many of those detained were held in military prisons for not having performed required national military service, and many belonged to unregistered religious groups. Several pastors and dozens of women were among the imprisoned. Several were released after recanting their faith; however, many refused to recant their faith and continued to be detained in civilian and military detention facilities across the country.

There were no developments in the continued detention of 13 members of the Rema Church detained in 2004 or the detention of 11 members of unregistered churches in May 2005; it was believed that all of these individuals remained incarcerated at year's end.

In January there were reports that the Holy Synod, under pressure from the government, deposed Patriarch Abune Antonios of the Eritrean Orthodox Church on putative charges that he had committed heresy and was no longer following church doctrine. The synod selected a new patriarch, Dioscoros. Deposed Patriarch Antonios remained under house arrest and continued to challenge the circumstances of Patriarch Dioscoros's selection at year's end. The lay administrator appointed by the government in August 2005 remained the head of church; the administrator was neither a member of the clergy nor an appointee of the patriarch as required by the constitution of the Eritrean Orthodox Church. This effectively put the government in control of the Orthodox Church. The government also continued to monitor, harass, threaten, and arrest members of the Orthodox Medhane Alem group, whose religious services it had not approved. The three ministers who led Medhane Alem and who were arrested in October 2004 remained imprisoned without charge at year's end.

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

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

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. In November the government decreed that church leaders from the four state-sanctioned religions were required to perform military and national service; previously, religious leaders such as priests and clerics were exempt from military and national 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 and the refusal of some to perform national service. Although members of several religious groups, including Muslims, reportedly have been imprisoned in past years for failure to participate in national military service, the government singled out Jehovah's Witnesses for harsher treatment than that received by followers of other faiths for similar actions. In the past, the government dismissed members of Jehovah's Witnesses from the civil service, and many were evicted from or not allowed to occupy government 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.

According to the Office of General Counsel for the Jehovah's Witnesses, 27 Jehovah's Witnesses remained imprisoned without charge. Although the maximum penalty for refusing to perform national service is three years' imprisonment, three of the individuals have been detained for more than 11 years. Of the members of Jehovah's Witnesses detained, 12 were reportedly held at Sawa Military Camp and one was in prison in Asmara. At year's end, eight of the 40 Jehovah's Witnesses arrested during a home prayer meeting in 2004 remained incarcerated.

The army resorted to various forms of extreme physical punishment to force objectors, including some members of Jehovah's Witnesses, to perform 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.

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 [2006 International Religious Freedom Report](#).

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

The law and unimplemented constitution provide 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.).

In October 2005 the government ordered the grounding of all UN helicopters. The order continued to constrain UNMEE's ability to supply troops in the field, monitor the temporary security zone area, and support medical evacuations. On March 1, a UNMEE soldier died from heart failure; the ban on helicopter flights was believed to have contributed to his death as his access to medical treatment was significantly delayed.

In June the government further tightened restrictions on travel for all noncitizens. All diplomats, humanitarian organization and UN staff, and foreign tourists were required to obtain advance permission from the government in order to leave Asmara. Travel restrictions were enforced by the use of military checkpoints. The granting of permission to travel was not a transparent process. While some foreign nationals obtained permission to travel to certain locations, the government refused to issue travel permits to others traveling to the same place. The government often failed to respond to requests for travel.

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 exit visas 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. Persons routinely denied exit visas included men under the age of 50, regardless of whether they had completed national service, women age 18 to 27, members of Jehovah's Witnesses (see section 2.c.), and other persons out of favor with or seen as critical of the government. During the year the government began refusing to issue exit visas to children 11 years and older. The government also refused to issue exit visas to children, some as young as five years of age, either on the grounds that they were approaching the age of eligibility for national service or because their 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 \$6,600 (100,000 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 filed by 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 988 Ethiopians to Ethiopia.

Internally Displaced Persons (IDPs)

Approximately 20,000 IDPs from the conflict with Ethiopia were permanently resettled during the year. Approximately 22,000 IDPs remained in seven 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 May 2005 the government seized approximately 45 vehicles of the Office of the UN Human Rights Commissioner (UNHCR), 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 and unimplemented constitution do 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 4,000 persons from Sudan and Somalia on a prima facie basis. The government granted 19 Ethiopians who had deserted the Ethiopian army residency status. Another

100 Ethiopians sought asylum with the UNHCR; however, the determination of their status has not yet been made. Approximately 20 Ethiopians who had received permission to resettle to a third country were unable to obtain exit visas to depart Eritrea. Approximately 16,000 Ethiopians had temporary residence in the country. The government cooperated with the UNHCR in assisting refugees who were not from Ethiopia.

There were 720 Sudanese refugees at Elit camp in the West and 3,780 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 the UNHCR had no access or responsibility. The UNHCR was accommodating approximately 1,900 Ethiopians in urban areas whose status has not yet been determined, an increase from only 100 cases in 2005. The government issued residency permits to Ethiopians living in the country for a fee; however, it did not issue them exit visas. Ethiopians unable to pay the residency permit fee were not legally eligible for employment. The government prohibited the ICRC from continuing its program of purchasing residency permits for Ethiopians unable to afford the annual fee.

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

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

The ICRC repatriated 988 Ethiopians from Eritrea back to Ethiopia and 83 Eritreans from Ethiopia to Eritrea during the year.

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

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

Elections and Political Participation

The government came to power in a 1993 popular referendum in which voters chose to have an independent country managed by a transitional government 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; the government coerced membership in the PFDJ (see section 1.f.).

There were three women 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 those of the ministers of justice, tourism, 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. There were reports that individuals requesting exit visas or passports had to pay bribes.

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

Operations in the economy mirrored this practice. The government or the PFDJ own most of the major industries in the country. In the past the government has reclaimed successful privately held companies and turned them over to the party or to the government to operate.

Section 4 Governmental Attitude Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The government allowed one domestic human rights NGO--Citizens for Peace in Eritrea (CPE)--to operate, although the NGO was basically nonfunctioning during the year.

The government permitted only one international human rights organization, the ICRC, to operate within the country and the government strictly limited the ICRC to operations such as repatriation, providing shelter to approximately 1,000 persons who were displaced by the conflict with Ethiopia (see section 2.d.), visiting prisons and detention centers where Ethiopians were held (see section 1.c.), and providing assistance to approximately 50,000 citizens through projects in water supply, health structure rehabilitation, and housing

All NGOs, regardless of their scope of work, were required to register with the Ministry of Labor and Human Welfare. In May 2005 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 two million dollars in the local bank. Many NGOs failed to receive government approval under the registration process and were required to leave the country. As of year's end, there were 11 registered NGOs. During the year the government asked five NGOs, Mercy Corps, ACCORD, Samaritan's Purse, International Rescue Committee (IRC), and Concern, to close operations and depart the country, which they did. Both IRC and Samaritan's Purse operated extensive projects in Eastern Sudan from their offices in Asmara. Following the signing of the Eastern Front Peace Agreement between the Eastern Front and the Sudanese government in September, the government determined that IRC and Samaritan's Purse no longer needed to base their operations in Eritrea, despite the fact that IRC also operated Eritrea-specific programs. Neither IRC nor Samaritan's Purse had operations in the country at year's end.

In April the government announced a change in humanitarian aid policy and decreed that all food assistance be provided through a cash-for-work program. Simultaneously, the government redirected over 80,000 metric tons of food belonging to the World Food Program (WFP) and other donors to its own programs. It prevented NGOs and the WFP from entering into the storehouses. This food aid later appeared on the local market. The government had not provided to any donors, including WFP, an accounting of how the 80,000 metric tons were distributed by year's end. By year's end, general food distributions had ceased, and all food assistance was reportedly provided through a government-operated cash-for-work program, in which participants earned less than one dollar per day.

The government also did not permit general humanitarian food distribution by NGOs or by the WFP, although it allowed the UN Children's Fund (UNICEF) to continue its supplemental feeding programs. Supplemental feeding and hospital feeding programs continued under the supervision of the Ministry of Health. By requiring NGOs and UN organizations to have travel permits to depart the capital, the government effectively controlled access by relief organizations to the rural areas. The status of school feeding programs was unknown (see section 2.d.).

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The law and unimplemented constitution prohibit discrimination against women and persons with disabilities; 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 female 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 2003-4 school year was approximately 43 percent. In 2003 the gross elementary (grades one to five) enrollment rate was 71.7 percent. For the 2003-4 school year, the Ministry of Education reported that 374,997 students were enrolled in elementary school and 122,966 students were enrolled in middle school. For middle school (grades six and seven), the gross enrollment rate was 44.87 percent. As of 2001, 86 percent of children who started primary school were likely to reach grade five. 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 did not attend this final year did not graduate and could not sit for examinations to be eligible for advanced education. The remote location of this boarding school, security concerns, and societal attitudes resulted in few female students enrolling for their final year; however, women could earn an alternative secondary school certificate by attending night school after completing national service. Many students elected to repeat grades to avoid completing the 11th grade and being forced to go to Sawa. There were unconfirmed reports that the military conducted a roundup of these students in Keren in the spring.

The government operated Mai Nafhi Technical Institute, where students who scored well on university exams were admitted, on the outskirts 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 (see section 2.a.).

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

There are no laws against child abuse, but 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. UNICEF reported that in the west and in coastal areas child marriage occurred. According to a 2002 Demographic and Health Survey, 28.2 percent of the female population between 15 and 19 were married, and 1.5 percent of the male population between 15 and 19 were married. 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.

Trafficking in Persons

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

Persons with Disabilities

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

National/Racial/Ethnic Minorities

There were reports of government and societal discrimination against the Kunama, one of nine ethnic groups residing primarily in the west.

Societal abuse of Ethiopians occurred, but there were fewer reports of such abuse than in the previous year.

Other Societal Abuses and Discrimination

Homosexuality is illegal, and homosexuals faced severe societal discrimination.

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. Membership in these unions was required, and since most businesses were also government-owned, these unions did not experience antiunion discrimination. The government did not encourage the formation of independent unions by employees of private businesses. Union leaders were typically government employees, and union activities were generally government sanctioned.

The three union leaders arrested without charge in March 2005 were reportedly in a secret detention center controlled by security forces at year's end.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference; however, employees of the military, police, and other members of the essential services do not participate in union activity. The government determines the wage scale for government employees in a nontransparent manner. In the small private sector, the wages are set independently.

The law allows strikes; however, workers did not exercise this right in practice. In January the government officially declared the establishment of free zones to attract foreign and local investors.

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. Some citizens reported enlistment in the national service for many years with no prospective end date. The government justifies its open-ended draft on the basis of the unresolved border dispute with Ethiopia. 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.

Forced child labor occurred (see section 6.d.).

d. Prohibition of Child Labor and Minimum Age for Employment

Although the government has a national plan of action to protect children from exploitation in the workplace, it was not enforced effectively, and child labor occurred. The legal minimum age for employment is 18 years, although apprentices may be hired at age 14. The law prohibits children, young workers, and apprentices under age 18 from performing certain dangerous or unhealthy labor, including working in transport industries, working in jobs involving toxic chemicals or dangerous machines, and working underground, such as in mines and sewers. It was common for rural children who did not attend school to work on family farms, fetching firewood and water and herding livestock, among other activities. In urban areas, 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.

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

e. Acceptable Conditions of Work

The minimum wage in the civil service sector of \$24 (360 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 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 44.5 hours, but many persons worked fewer hours. Workers are entitled to one rest day per week; most workers were allowed 1 to 1.5 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.