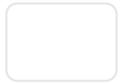


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2022 Country Report on Human Rights Practices: Eritrea

EXECUTIVE SUMMARY

Eritrea is a highly centralized, totalitarian regime under the control of President Isaias Afwerki. A constitution drafted in 1997 was never implemented. The People's Front for Democracy and Justice, headed by the president, is the sole political party. There have been no national-level elections since an independence referendum in 1993.

Police are responsible for maintaining internal security, but the government sometimes used the armed forces, reserves, demobilized soldiers, or civilian militia to meet domestic as well as external security requirements. Agents of the national security service, a separate agency that reports to the Office of the President, are responsible for detaining persons suspected of threatening national security. The armed forces have authority to arrest and detain civilians. Civilian authorities maintained effective control over most security forces. There were reports members of the security forces committed numerous abuses.

The country continued to experience significant adverse changes in its human rights situation due to its intervention in the conflict in northern Ethiopia, especially following the renewed outbreak of conflict in late August. The Eritrean Defense Forces were responsible for widespread and serious human rights abuses including executions, rape, and torture of civilians within Ethiopia. After re-entering the conflict in August, the government increased the number of Eritrean Defense Forces in Ethiopia and began a national mobilization of its militia.

Significant human rights issues included credible reports of: forced disappearance; torture and cruel, inhuman, or degrading treatment or punishment by the government; harsh and life-threatening prison and detention center conditions; arbitrary detention; political prisoners; serious problems with the independence of the judiciary; arbitrary or unlawful interference with privacy; serious abuses in a conflict, including reportedly unlawful civilian deaths, abductions, physical abuses, and use of child soldiers; serious restrictions on free expression and media, including censorship; substantial interference with the rights of peaceful assembly and freedom of association, including overly restrictive laws on the organization, funding, or operation of nongovernmental organizations and civil society organizations; severe restrictions on religious freedom; restrictions on freedom of movement and residence within the territory of the state and on the right to leave the country; inability of citizens

to change their government peacefully through free and fair elections; serious and unreasonable restrictions on political participation; serious government restrictions on domestic and international human rights organizations; lack of investigation and accountability for gender-based violence, including domestic or intimate partner violence, sexual violence, workplace violence, femicide, and other forms of gender-based violence; trafficking in persons; existence and enforcement of laws criminalizing consensual same-sex sexual conduct between adults; outlawing of independent trade unions; and the worst forms of child labor.

The government did not generally take steps to investigate, prosecute, or punish officials who committed human rights abuses. Impunity for such abuses was the norm.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

Unlike previous years, there were no credible reports of unlawful or politically motivated killings.

In past years, there have been reports of deaths of detainees at the hands of prison staff, although there were no specific reports of such deaths during the year. There was no available information to determine whether the government acted against persons responsible for detainee deaths.

b. Disappearance

An unknown number of persons disappeared during the year and were believed to be in government detention or to have died while in detention. The government did not make efforts to prevent disappearances or to investigate or punish those responsible. The government did not regularly notify family members or respond to requests for information regarding the status of detainees, including locally employed staff of foreign embassies and foreign or dual nationals. The disappeared included persons presumably detained for political and religious beliefs, journalists, and individuals suspected of evading national service and militia duties; others were disappeared for unknown offenses.

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

The law prohibits torture. Reports of torture, however, continued, especially against political prisoners. According to UN experts, torture was allegedly common at the Eiraeiro prison.

Lack of transparency and access to information made it impossible to determine the numbers or circumstances of deaths due to torture or other abuse.

Impunity remained a serious problem among security forces. The government did not release any information to indicate it had conducted investigations of alleged abuses, making it difficult to assess the extent of the problem among the different branches of the security services.

Prison and Detention Center Conditions

Detention conditions reportedly remained harsh and life-threatening, leading to serious damage to health and, in some instances, death, but the lack of independent access made accurate reporting impossible.

Abusive Physical Conditions: There were numerous official and unofficial detention centers, some located in military camps. The law requires that juveniles be held separately from adults. There is a

juvenile detention center in Asmara, but authorities held some juveniles, particularly teenagers, with adults due to overcrowding in that center. When police arrested mothers, their young children sometimes were held with them. Severe overcrowding was common.

Data on death rates in prison and detention facilities were not available, although persons reportedly died from harsh conditions, including lack of medical care and use of excessive force. Authorities are believed to have continued the practice of holding some detainees incommunicado in metal shipping containers and underground cells without toilets or beds. The government did not consistently provide adequate basic or emergency medical care in prisons or detention centers. Food, sanitation, ventilation, and lighting were inadequate, and potable water was sometimes available only for purchase.

Former prisoners described prolonged food shortages, which sometimes led to anemia or even the need for hospitalization. One former prisoner claimed to have been without food for 42 days. Other former prisoners reported no such problems. In some military prisons the families of detainees had to provide food.

Some military prisons were reported to be grossly overcrowded to the point that detainees had to sleep in turns due to lack of space. Former detainees and other sources reported harsh detention conditions in police stations and in prisons for persons held for evading national service and militia duties.

Authorities placed political prisoners in solitary confinement more often than other detainees. Political prisoners were thought to be more likely to be held in the underground cells.

Administration: Prisoners and detainees could not submit complaints to judicial authorities, and authorities did not adequately investigate or monitor prison or detention center conditions. There were no prison ombudspersons to respond to complaints.

The government did not grant consular access to detained dual nationals, whom it considers to be only Eritrean. Authorities generally did not permit family visits with persons detained, arrested, or convicted for national security reasons. Former prisoners reported some religious literature was considered contraband, and its possession could result in torture. International religious organizations claimed authorities interrogated detainees regarding their religious affiliation and asked them to identify members of unauthorized religious groups.

Independent Monitoring: The government did not permit monitoring of prisoner conditions by independent government or nongovernmental observers or by international bodies, including the International Committee of the Red Cross (ICRC). The government also did not provide the ICRC with information regarding or access to reported Ethiopian and Djiboutian prisoners of war detained in the country.

d. Arbitrary Arrest or Detention

The unimplemented constitution prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government did not observe these provisions.

Arrest Procedures and Treatment of Detainees

The law stipulates that, unless a crime is in progress, police must investigate and obtain a warrant prior to making an arrest, but this seldom occurred. In cases involving national security, police may waive the process. Detainees must be brought before a judge within 48 hours of arrest and may not be held for more than 28 days without being charged with a crime. Authorities generally detained suspects for longer periods without bringing them before a judge, charging them with a crime, or informing them of the reason for their detention. Authorities sometimes arbitrarily changed charges during detention. The law provides for a bail system, but bail was often denied for no apparent reason, and bail amounts were excessive.

Detainees held on national security grounds did not have access to counsel. Other detainees, including indigent persons, also often did not have such access. Incommunicado detention was widespread. Detainees did not have routine access to visitors.

Arbitrary Arrest: Arbitrary arrest occurred frequently. Security force personnel detained individuals for reasons that included suspicion of intent to evade national and militia service, criticizing the government, attempting to leave the country without an exit visa or passport, and for unspecified national security threats. Authorities also continued to arrest members of unregistered Christian groups. Authorities sometimes arrested persons whose papers were not in order and detained them until they were able to provide evidence of their militia status or demobilization from national service. The government contacted places of employment and used informants to identify those unwilling to participate in the militia.

Some persons arrested in previous years for refusing to bear arms on grounds of conscience and for participating in unregistered religious groups remained in detention.

Pretrial Detention: Authorities brought few, if any, persons detained on alleged national security grounds to trial. The percentage of the prison and detention center population in pretrial detention was not available. Several political prisoners have been held for more than 20 years without a trial.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, but the government generally did not respect judicial independence and impartiality. There are special courts charged with handling corruption cases, but there was no clarity on their structure or implementation. The Office of the President served as a clearinghouse for citizens' petitions to some courts. It also acted as an arbitrator or a facilitator in civil matters for some courts.

Trial Procedures

The unimplemented constitution provides for the right to a fair and public trial, although it allows for limits on the public nature for cases involving national security. These rights were not respected.

The law provides for a presumption of innocence, but this was often ignored. There is no right for defendants to be informed promptly and in detail of charges in a language they understand. The right to a fair, timely, and public trial was often not respected, especially with political cases. The law does not specifically address the provision of adequate time or facilities to prepare a defense, the right of defendants to confront witnesses, or the provision of free interpretation from the moment charged through all appeals, although courts generally accorded the rights to defendants in cases deemed unrelated to national security. There is no right of defendants to refuse to testify. In normal cases,

defendants can choose their attorney or have one provided to them, but this right is not afforded to defendants in national security cases.

Courts of first instance are at the regional level. Each party to a case has the right to one appeal. Decisions rendered by any regional court may be appealed to the next appellate court. Should the appellate court reverse a decision of the lower court, the party whose petition was not sustained may appeal to the five-judge upper appellate court. If the lower appellate court upholds the decision of a regional court, there is no second appeal.

Special courts have jurisdiction over both corruption and national security cases. Judges serve as prosecutors and may request that individuals involved in cases testify. Special court judges were predominantly military officials, although an increasing number are trained lawyers from the Ministry of Justice. The special courts report to the Ministry of Defense and the Office of the President. Trials in special courts are not open to the public, and the court's decisions are final, without appeal.

Community courts headed by elected officials were widely used in rural areas and generally followed traditional and customary law rather than formal law. Local administrators in rural areas encouraged citizens to reconcile outside the court system for less serious cases. Trials in community courts were open to the public and heard by a panel of judges. All judges were appointed by the Ministry of Justice, but rural communities had the right to elect reconciliation committees from a prearranged list of individuals.

Political Prisoners and Detainees

The government continued to hold an unknown number of detainees without charge or trial, including politicians, journalists, members of registered and unregistered religious groups, and persons suspected of not completing national service or evading militia duty (see also section 1.b., Disappearance). In 2021, Amnesty International estimated there were hundreds of prisoners of conscience including journalists, former politicians, and practitioners of unauthorized religions. The government did not permit access to political detainees, most of whom were held in unofficial facilities.

Abune Antonios, the patriarch of the country's Orthodox Church, died on February 9, following 15 years of arbitrary detention. He was officially placed under house arrest in 2007 after having been removed from office in 2006, in violation of canon law, for repeatedly objecting to government interference in ecclesiastical affairs. Apart from one tightly managed appearance in 2017, the patriarch was not seen in public since his arrest, except in smuggled videos in which he criticized the conditions and grounds of his detention.

Transnational Repression

Amnesty International and other credible groups have long accused the government of engaging in transnational repression, including harassment of activists.

Extraterritorial Killing, Kidnapping, Forced Returns, or Other Violence or Threats of Violence: The country via credible reports is alleged to have killed or kidnapped persons or used violence or threats of violence against individuals in other countries, including to force their return to the country, for purposes of politically motivated reprisal. The Eritrean Defense Forces (EDF) in Ethiopia have reportedly taken hundreds of Eritrean refugees back to Eritrea and, in some cases, detained them.

Threats, Harassment, Surveillance, and Coercion: Government officials have used social media to direct harassment and threats against antigovernment members of the diaspora.

Civil Judicial Procedures and Remedies

There are no civil judicial procedures for individuals claiming human rights abuses by the government.

Property Seizure and Restitution

The government continued to seize properties owned by the Roman Catholic Church without providing restitution. In August, the government seized the Hagaz Agro-Technical School, run by the LaSalle Brothers organization for 23 years, without compensation. In September, the government also seized the Don Bosco Technical School in Dekemhare without compensation.

The Department of State's Justice for Uncompensated Survivors Today (JUST) Act report to Congress, released publicly in 2020, can be found on the Department's website: <https://www.state.gov/reports/just-act-report-to-congress/>.

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

The law prohibits such actions, but the government did not respect these rights. Many citizens believed the government monitored cell phones. Authorities required permits to use SIM cards. The government used an extensive informant system to gather information.

Without notice, authorities reportedly entered homes and threatened individuals without explanation. Security forces reportedly detained and interrogated the parents, spouses, or siblings of individuals who evaded national service, militia service, or fled the country.

Ruling party administration offices and their associated local militia units, composed of persons who had finished their national service but were still required to assist with security matters, reportedly checked homes or whole neighborhoods to confirm residents' attendance at national service projects.

g. Conflict-related Abuses

Killings: The EDF were reportedly responsible for deliberately killing civilians, including Eritrean refugees, in northern Ethiopia as part of the conflict.

According to Amnesty International, the EDF reportedly extrajudicially executed at least 40 individuals, including Eritrean refugees, in the town of Sheraro in September. Multiple reports, including the joint investigation report of the Ethiopian Human Rights Commission/Office of the United Nations High Commissioner for Human Rights and the September 19 report of the International Commission of Human Rights Experts on Ethiopia (ICHREE), documented human rights abuses committed by Eritrean government forces since the start of the conflict in 2020. Human rights abuses documented in these reports included unlawful killings, physical abuse, and gender-based violence.

Physical Abuse, Punishment, and Torture: According to the September ICHREE report, survivors implicated the EDF in rapes. The Commission received credible information indicating that rape and sexual violence continued, including in the Tigray region of Ethiopia. Many of the rapes documented by the Commission were gang rapes perpetrated by members of the EDF and allied combatants. The report stated "in some cases, perpetrators held victims captive as sexual slaves for days or weeks, subjecting them to repeated rapes. Women were raped in front of their children and other family members. Rapes of Tigrayan women and girls were often accompanied by other forms of violence

designed to humiliate them. Survivors described being threatened at gunpoint, kicked and beaten. In some cases, foreign objects were inserted into their bodies.”

Child Soldiers: In May, the UN special rapporteur on the situation of human rights in Eritrea reported he had received information from multiple credible sources regarding the deployment of Eritrean children in military combat in Ethiopia.

Other Conflict-related Abuse: Eritrean forces also obstructed humanitarian assistance into Ethiopia. In May, the UN special rapporteur reported Ethiopian troops and allied forces, including Eritrean forces, halted humanitarian convoys, commandeered cargo, and blocked main routes into the Tigray region.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

Although the law provides for freedom of speech, including for the press, the government severely restricted this right.

Freedom of Expression: The government severely restricted the ability of individuals to criticize the government in public or in private through intimidation by national security forces.

The law bans private broadcast media and foreign ownership of media. The government controlled all domestic media, including one newspaper published in four languages, three radio stations, and two television stations.

The law requires journalists to be licensed. The law restricts printing and publication of materials by anyone lacking a permit and the printing or dissemination of prohibited foreign publications are punishable under the law.

Violence and Harassment: The Committee to Protect Journalists reported there were 16 journalists in detention. The government did not provide information on the location or health of journalists it detained and who were held incommunicado. In July, a coalition of eight international human rights groups filed a complaint against the detention of these journalists with the UN Working Group on Arbitrary Detention, calling them “the longest detained journalists in the world today.”

Censorship or Content Restrictions for Members of the Press and Other Media, Including Online Media: State influence over traditional media was absolute. The law requires submission of documents, including books, to the government for approval prior to publication. No printing house would print materials without proof of that approval. All local radio and television stations were owned by the government and operated by the Ministry of Information. Most independent journalists were in detention or lived abroad, which limited domestic media criticism of the government. Authorities required journalists to obtain government permission to take photographs. Journalists practiced self-censorship due to fear of government reprisal. Internet penetration was so low and unreliable that independent online media did not exist in the country.

Libel/Slander Laws: The law criminalizes libel as a misdemeanor and prescribes a punishment of between one and six months’ imprisonment and a fine. The law also criminalizes “malicious injury to honor or reputation,” which covers true statements communicated solely to damage a person’s reputation and prescribes a punishment of less than one month in prison and a fine. According to the

nongovernmental organization (NGO) End Blasphemy Laws, the law provides for a prison term of up to one year for “disparaging” or “profaning” religious feelings. During the year there were no reports of the law being enforced.

National Security: The government repeatedly asserted national security concerns were the basis of limitations on free speech and expression.

Internet Freedom

The government reportedly monitored some internet communications, including email, without appropriate legal authority. Government informants were reported to frequent internet cafes. Some citizens expressed fear of arrest if caught viewing opposition sites. Nonetheless, the sites were generally available.

Restrictions on Academic Freedom and Cultural Events

The government restricted academic freedom and cultural events.

Apart from technical school students, secondary school students must complete their final year of high school at the government’s Sawa National Training and Education Center. All students also had to complete a four-month military training program at Sawa to be allowed to take entrance exams for institutions of higher education (see section 6, Children).

The government sometimes denied passports or exit visas to students and faculty who wanted to study or do research abroad.

The government censored film showings and other cultural activities. It monitored libraries and cultural centers maintained by foreign embassies and in some instances questioned employees and users. The government directly sponsored most major cultural events.

b. Freedoms of Peaceful Assembly and Association

The government restricted freedoms of peaceful assembly and association.

Freedom of Peaceful Assembly

The law provides for freedom of assembly, but the government restricted this right. Prior to the COVID-19 pandemic, authorities investigated and interfered with large gatherings lacking prior approval, except for government-affiliated organizations or of religious observances of the four officially registered religious groups. As a COVID-19 pandemic preventative measure, large gatherings (other than government-organized events) were banned during the first half of the year.

Freedom of Association

The law provides citizens the right to form organizations for political, social, economic, and cultural ends. It specifies their conduct must be open and transparent and that they must be guided by principles of national unity and democracy. The government did not respect freedom of association. It prohibited the formation of NGOs except those with official sponsorship. The government generally did not allow local organizations to receive funding and other resources from, or to associate with, foreign and international organizations.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The law does not provide for freedom of internal movement, foreign travel, emigration and repatriation, and the government restricted these related rights.

In-country Movement: The government requires citizens to notify local authorities when they change residence, although many did not. When traveling within the country, particularly in remote regions or near borders, authorities required citizens to provide justification for travel at checkpoints.

Travel restrictions on noncitizens lawfully in the country remained in effect. The government required all diplomats, international humanitarian workers, UN staff, and other foreigners to request permission from the government at least 10 days in advance to travel outside of Asmara.

Foreign Travel: The government restricted foreign travel. The government required citizens, including dual nationals, to obtain exit visas. Requirements for obtaining passports and exit visas were inconsistent and nontransparent. The government often denied citizens passports and exit visas because they had not completed their military, national service, or militia duties; had unpaid income taxes; or for arbitrary or unstated reasons. Authorities generally did not give exit visas to children older than age seven. Categories of persons commonly denied exit visas included men younger than 40, regardless of whether they had completed the military portion of national service, and women younger than 30. Authorities were more likely to approve exit visas for married women and those with children. The land border with Sudan was open, but other land borders remained closed, preventing legal overland travel for most citizens. Members of some cross-border ethnic groups (such as the Afar in the east and the Beja in the west) were allowed to cross the borders.

Exile: In general, citizens had the right to return, but citizens residing abroad had to show proof they paid a 2 percent tax on foreign earned income to the Ministry of Foreign Affairs to be eligible for some government services and documents, including birth or marriage certificates, passport renewals, and real estate and vehicle transactions. Those who have left the country illegally have to sign a document called the "regret form," in addition to agreeing to pay the 2 percent tax, to obtain a passport or any other services while abroad.

e. Protection of Refugees

The government did not cooperate with the UN High Commissioner for Refugees (UNHCR) regarding treatment of refugees. The government defined refugee status differently than the 1951 Convention and its 1967 Protocol Relating to the Status of Refugees.

Access to Asylum: The law does not provide for granting asylum or refugee status, and the government has not established a system for providing protection to refugees. The government did not recognize Ethiopians, Sudanese, or South Sudanese as refugees, instead considering them economic migrants. The government, however, allowed these refugees to remain in the country.

Access to Basic Services: UNHCR was not able to provide basic support for persons of Ethiopian or Sudanese origin. UNHCR had only one international staff person present in the country.

Durable Solutions: Although the government did not grant persons of Ethiopian or Sudanese origin asylum or refugee status, authorities permitted them to remain in the country and to live among the local population instead of in a refugee camp. Those living among the population were required to provide a guarantor and pay a fee to extend their residency or face possible detention.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections, held by secret ballot and based on universal and equal suffrage, but they were not able to exercise this ability.

Elections and Political Participation

Recent Elections: The government came to power in a 1993 popular referendum in which voters chose to have an independent country managed by a transitional government. The transitional government did not permit the formation of a democratic system. The government twice scheduled elections but canceled them without explanation. An official declaration in 2003 asserted, "In accordance with the prevailing wish of the people, it is not the time to establish political parties, and discussion of the establishment has been postponed." During the year, local communities across the country elected administrators, managing directors, and village coordinators. These were conducted by secret ballot and all residents older than 18 could vote.

Political Parties and Political Participation: The country is a one-party state. Political power rests with the People's Front for Democracy and Justice and its institutions; the government does not allow the formation of other political parties. Membership in the People's Front was not mandatory, but authorities pressured some categories of individuals, particularly those occupying government positions, to join the party. Authorities reportedly visited citizens in their homes after they completed national service and compelled them to join the party and pay the required fees. Authorities occasionally convoked citizens to attend political indoctrination meetings as part of mandatory participation in the militia irrespective of People's Front membership. Authorities denied benefits such as ration coupons to those who did not attend. Some citizens in the diaspora claimed such meetings also occurred at embassies abroad, with the names of those who did not attend reported to government officials, sometimes resulting in denial of benefits such as passport services.

Participation of Women and Members of Minority Groups: No laws limit the participation of women or members of historically marginalized or minority ethnic groups in the political process. Women did participate in the political process. Openly lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons risked imprisonment, and thus did not openly participate in the political process (see section 6).

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, but the government did not implement the law effectively. Officials sometimes engaged in corrupt practices with impunity. There were numerous reports of government corruption.

Corruption: Persons seeking executive or judicial services sometimes reported they obtained services more easily after paying a "gift" or bribe. Patronage, cronyism, and petty corruption within the executive branch were based largely on family connections and used to facilitate access to social

benefits. Judicial corruption was a problem, and authorities generally did not prosecute acts such as property seizure by military or security officials or those seen as being in favor with the government. Local party officials, who draw no direct salary, were reported to engage in petty corruption to provide the paperwork proving compliance with “national obligations” such as national service, militia duty, and “voluntary” contributions to national development projects.

There were reports of police corruption. Police occasionally used their influence to facilitate the release from prison of friends and family members. Private citizens used influence with police to harass, assault, and even jail those with whom they had personal disputes.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

International civil society organizations focused on human rights were generally not able to operate in the country. The government did not cooperate with such groups or with investigations into human rights abuses. No local human rights nongovernmental organizations operated in the country (see section 2.b., Freedom of Association).

The United Nations or Other International Bodies: The government did not permit visits by the UN special rapporteur on human rights in Eritrea and remained opposed to cooperating with his mandate.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Rape is a crime punishable by up to 10 years in prison, or up to 16 years in aggravated cases (such as those that inflict serious bodily injury, involve a child or someone under the perpetrator’s care, or involve a group of perpetrators). The law makes no distinction based on the gender of the assailant or the victim. Rape between spouses is punishable only when the spouses have permanently separated. The government reportedly enforced the law through arrest of alleged perpetrators in some reported rape cases, but information regarding any subsequent prosecutions was not available.

While the law does not specifically criminalize domestic violence, assault carries a punishment that varies based on the seriousness of the crime, ranging from nine months to 19 years in prison. Authorities rarely intervened in domestic violence cases.

It was difficult to determine the extent of such abuses, as social stigma prevented survivors from coming forward, and the government did not publicize statistics.

Female Genital Mutilation/Cutting (FGM/C): The law prohibits FGM/C for both women and girls. Government efforts to reduce FGM/C included public awareness campaigns at the local level targeting religious and community leaders. Government reports stated certain regions and subzones were considered entirely free of FGM/C. Local UN representatives confirmed that the government took FGM/C seriously as a problem and acted credibly to combat the practice. The UN Population Fund worked with the government and other organizations, including the National Union of Eritrean Women and the National Union of Eritrean Youth and Students, on a variety of education programs to discourage the practice.

Sexual Harassment: The law does not specifically criminalize sexual harassment.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization by government authorities. Vulnerable populations could provide informed consent to medical treatment affecting reproductive health, including sterilization. In more rural areas, however, women still lacked access to or information concerning reproductive health care.

Women in major population centers had access to prenatal and childbirth health-care services. Rural areas lacked the same level of health care for pregnancy, and there was a lack of skilled health-care attendance at birth. According to the World Health Organization, only 34 percent of births from 2010 to 2019 were attended. Barriers included education and transportation.

Women had access to emergency health care, including services for the management of complications arising from abortion; however, in doing so they risked arrest and prosecution for the illegal abortion.

The government provided sexual and reproductive health services for survivors of sexual violence, including emergency contraception and postexposure prophylaxis for HIV.

According to the World Health Organization, the maternal death rate was an estimated 480 deaths per 100,000 live births. The high maternal death rate was likely due to such factors as limited health care services, particularly in rural areas. No information was available on the adolescent birth rate. While adolescent births have traditionally been a problem in the country and likely contributed to high maternal death rates, the government has made a multiyear concerted effort through a National Steering Committee organized in 2017 and a national campaign launched in 2016 to convince individuals to delay marriage and childbirth.

Discrimination: Family, labor, property, nationality, and inheritance laws provide men and women the same status and rights. The law requires equal pay for equal work. Nevertheless, women, particularly in rural areas, continued to face economic and social discrimination. The government did not enforce the law effectively.

Systemic Racial or Ethnic Violence and Discrimination

The law prohibits discrimination based on race or ethnicity. There were reports that governmental discrimination continued against ethnic minorities, particularly against the Afar and the Rashaida, two of nine ethnic groups in the country.

Children

Birth Registration: A child derives citizenship from having at least one citizen parent, whether the person is born in the country or abroad. Registration of a birth within the first three months requires only a hospital certificate. If not registered, a child may not be allowed to attend school but may receive medical treatment at hospitals.

Education: Education through grade seven was compulsory and tuition free, although students' families were responsible for providing uniforms, supplies, and transportation. Access to education was not universal, but the government took steps to encourage attendance, including public awareness campaigns and home visits by school officials. In rural areas parents enrolled fewer daughters than sons in school, but the percentage of girls in school continued to increase.

Child Abuse: The law provides that assault of a person incapable of self-defense or against a person for whom the assailant has an obligation to give special care is an aggravated offense. The law also criminalizes child neglect, with a punishment between one and six months' imprisonment.

Child, Early, and Forced Marriage: The legal minimum age for marriage for both men and women is 18, unless the woman is pregnant or has already had a child, in which case the minimum for both is 16. The minister of justice or someone appointed by the minister may also waive the age requirement. Officials spoke publicly on the dangers of early marriage and collaborated with UN agencies to educate the public regarding these dangers, and many neighborhood committees actively discouraged the practice.

Sexual Exploitation of Children: The law criminalizes most commercial sexual exploitation and practices related to child pornography. The government did not release crime-related statistics, so it was difficult to determine the extent of any such abuses and whether the government effectively enforced the law against child pornography. The use of a child for commercial sex, however, is not specifically prohibited by law. The minimum age for consensual sex is 18.

Displaced Children: In recent times more children living in the streets have been observed but it was difficult to assess the extent of the problem as statistical data was not available.

Institutionalized Children: There was only one psychiatric facility in the country, and it was overcrowded with patients. Most children with mental disabilities were held at home and cared for by their families. The government funded transitional special classes for the introduction of children with mental disabilities into regular classrooms.

Antisemitism

One Jewish person remained in the country, and he maintained the only synagogue without reported government interference. There were no reports of antisemitic acts.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

Criminalization: The law criminalizes consensual same-sex sexual activity "or any other indecent act," which is punishable if convicted by five to seven years' incarceration. The government actively enforced this law.

Violence against LGBTQI+ Persons: There were no reported cases of violence against LGBTQI+ persons; however, this was likely due to repression that prevented LGBTQI+ persons from speaking out against violence or even acknowledging their identity for fear of the severe social repercussions and discrimination they would suffer if their LGBTQI+ identity was disclosed.

Discrimination: Antidiscrimination laws to protect the human rights of LGBTQI+ persons do not exist. There was a strong societal pattern of discrimination against LGBTQI+ persons, resulting in no official cases to cite.

Availability of Legal Gender Recognition: Legal gender recognition was not available.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: There were reports of some individuals coerced into accepting attempted so-called “conversion therapy” practices in lieu of prison, but the scope of the practice was not clear. The international LGBTQI+ human rights organization Outright International reported that widespread social, cultural, and religious intolerance in the region led to recurrent attempts to forcibly change LGBTQI+ individuals informally through family, religious, medical, educational, or other community pressures. There were no reports of unnecessary surgery on intersex persons. The stigma on this topic, however, made it likely that any such cases would not be discussed publicly.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: There were no known LGBTQI+ organizations in the country. The government tightly restricted freedom of expression (see section 2.a.), including on subjects related to sexual orientation, gender identity or expression, or sex characteristics. LGBTQI+ individuals could not freely assemble, associate, or express themselves publicly out of fear of identification, arrest, and discrimination or violence.

Persons with Disabilities

Persons with disabilities could access education, health services, public buildings, and transportation on an equal basis with others. No laws mandate access for persons with disabilities to public or private buildings, information, and communications. There were separate schools for children with hearing, vision, mental, and intellectual disabilities. Most of these schools were private; the government provided some support to them. The government did provide government information and communication on disability concerns in accessible formats.

The law prohibits discrimination against persons with disabilities. The government implemented programs to assist persons with disabilities, especially combat veterans, and dedicated substantial resources to support and train thousands of persons with physical disabilities. The Ministry of Labor and Human Welfare was responsible for protecting the rights of persons with disabilities, including mental disabilities.

No information was available on the rate of school attendance for children with disabilities compared to those without disabilities.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of certain workers to form and join unions, bargain collectively, and conduct strikes. Labor laws did not fully cover civil servants, domestic workers, police, national service conscripts, and those in the informal sector. The law prohibits antiunion discrimination and requires reinstatement of workers dismissed for legally sanctioned union activity. The law allows for the establishment of unions in private sector workplaces with at least 20 employees and requires a minimum of 15 members to form a union. Workers from multiple smaller worksites, however, can band together to create a “general association,” if there are at least 20 members. The law requires prior authorization from the Ministry of Labor and Human Welfare to establish a union, but it deems registration granted if the ministry does not respond within one month.

The government did not respect or effectively enforce the law. The Labor Relations Board decided penalties and legal protections against antiunion interference on a case-by-case basis. Penalties were not necessarily commensurate with those for denials of civil rights. Penalties were rarely applied against violators.

The government did not respect freedom of association and the right to collective bargaining. Most workers fall under the exceptions noted above. No independent unions existed. For the few formal workers in the private sector, the only option for collective representation was the one umbrella trade union, the National Confederation of Eritrean Workers. The confederation was directly linked to the ruling party and did not take steps against party-owned enterprises. The confederation's members represented hotel workers, service personnel, agricultural professionals, and teachers, among other occupations. In general, no nongovernmental organizations were permitted to play a role in promoting the rights of workers in the country.

b. Prohibition of Forced or Compulsory Labor

The law prohibits forced labor and slavery, but gaps in the law allowed widespread forced labor to occur. The government enforced these laws within private industry. The definition of forced labor in local law excludes activities performed under national service or other civic obligations, compulsory labor for convicted prisoners, and "communal services rendered during an emergency." This definition excludes nearly all public sector employees, who are mostly national service workers.

The country's national service obligation amounted to a form of forced labor. By law all citizens between ages 18 and 50, with limited exceptions, must perform national service. There is no time limit on this service. The result was an indefinite extension of the duration of national service, in some cases for more than 20 years; discharge from National Service was arbitrary and procedures for doing so remained opaque. Conscripts were employed by all governmental and party-run agencies, including for-profit enterprises, in conditions of forced labor.

Wages for conscripts were low, although pay scales were revised for several job functions in recent years, particularly for those with higher education or skilled training credentials. Labor protections limiting hours of work and prohibiting harsh conditions do not apply to persons conscripted into national service. National Service workers without educational or vocational qualifications continued to be paid extremely low wages, and the government often substituted food or nonfood rations for wages. The law provides for assignment to a job category according to the person's capacity and profession, but this was not always followed. There was no provision for alternative service for conscientious objectors.

The government required those not already in the military to attend civilian militia training and carry firearms, including many who were demobilized, the elderly, and persons otherwise exempted from military service. Failure to participate in the militia or national service could result in detention. Militia duties mostly involved security-related activities, such as airport or neighborhood patrolling and agricultural work. Militia training involved marches, weapons training, and shooting practice as well as listening to patriotic lectures. Recruits as young as 16 underwent military training and were subject to forced labor (see section 7.c.).

Penalties involving compulsory labor may be imposed for the peaceful expression of opposition to the established political, social, or economic system or the practice of a religion. There were no reliable data on the number of prisoners subjected to compulsory labor for political offenses. The government

did not effectively enforce prohibitions on forced and compulsory labor in the informal sector, which included 80 percent of workers.

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

See the Department of Labor's Findings on the Worst Forms of Child Labor at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings/>.

d. Discrimination with Respect to Employment and Occupation

Labor laws prohibit employment and occupation discrimination based on race, color, sex, disability, social origin, nationality, political orientation, or religion. The law does not prohibit discrimination based on sexual orientation or gender identity, HIV-positive status, language, or age.

It is unknown if the law was effectively enforced. The Labor Relations Board has the responsibility for enforcing discrimination law but provided no public information on cases or their resolution. Similarly, it was unknown whether penalties were commensurate with other civil rights violations and how often they were applied against violators.

Discrimination against women in pay was common in the workplace and occurred in an environment of impunity. The law does not criminalize sexual harassment (see section 6, Women). Persons with disabilities in the private sector reportedly experienced discrimination in hiring and in access to the workplace.

Jehovah's Witnesses were largely unable to obtain official identification documents, which barred them from most forms of employment.

e. Acceptable Conditions of Work

Wage and Hour Laws: The national minimum wage for employees of party-owned enterprises and government employees was below the poverty line. There was no national minimum wage for private sector workers. The law provides for a standard workweek of 48 hours and no more than two hours per day of overtime, but it includes exceptions for when an employee is absent or when there is "urgent work." The law entitles workers, except for those employed in national service, to overtime pay. The legal rest period is one day per week, although most employees received one and one-half days.

Occupational Safety and Health: No published occupational safety and health (OSH) standards exist. Workers have the right to remove themselves from situations that endangered health or safety without jeopardy to their employment. Each government enterprise has a separate agreement with the local union defining the work standards, including occupational health and safety regulations, for that enterprise. There were 168 government enterprises in the country, accounting for most large-scale employers.

Wage, Hour, and OSH Enforcement: The Ministry of Labor and Human Welfare is responsible for enforcement of wage and hour laws and for worker safety and welfare. The government did not effectively enforce the law or the negotiated standards. Penalties were not commensurate with those for similar crimes and there was no information available that penalties were applied against violators.

The ministry employed 28 inspectors, which was insufficient to enforce compliance. The National Confederation of Eritrean Workers reported that every enterprise has an inspection at least once per year, which is then reviewed by the enterprise, the union, and the ministry. Inspectors have the authority to make unannounced inspections and demand changes, but they may not initiate sanctions. The government did not report on violations of wage and hour laws or on abuses of safety or health standards. There was no information on major industrial accidents during the year.

Informal Sector: Approximately 80 percent of the population was employed in the informal sector in subsistence farming or livestock raising and small-scale retail trading. No labor laws apply to the informal sector. There were no reliable data on the informal economy and no effective mechanisms for monitoring conditions or protecting workers in the informal economy.

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Austrian Red Cross
Austrian Centre for Country of
Origin and Asylum Research and
Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041
Wien
T +43 1 589 00 583
F +43 1 589 00 589
info@ecoi.net

Contact
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F.A.Q.
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