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2021 Trafficking in Persons Report: Eritrea

ERITREA: Tier 3

The Government of Eritrea does not fully meet the minimum standards for the elimination of trafficking and is not making significant efforts to do so, even considering the impact of the COVID-19 pandemic, if any, on its anti-trafficking capacity; therefore Eritrea remained on Tier 3. During the reporting period, there was a government policy or pattern of human trafficking. The government continued to exploit its nationals in forced labor in its compulsory national service and citizen militia by forcing them to serve for indefinite or otherwise arbitrary periods. Despite the lack of significant efforts, the government took some steps to address trafficking, including coordinating with an international organization to contribute to an East Africa regional action plan. However, the government did not report any trafficking investigations, prosecutions, or convictions and did not identify any victims of trafficking. The government did not report holding any complicit officials accountable for trafficking crimes. Authorities did not report the development of formal procedures for the identification and referral of victims to care, nor did the government report providing any services directly to victims.

PRIORITIZED RECOMMENDATIONS:

Enact and implement an anti-trafficking law that criminalizes all forms of trafficking and prescribes penalties that are sufficiently stringent and, with respect to forced labor, commensurate with those prescribed for other grave crimes. • Enforce existing limits on the length of active national service to 18 months as set forth in the Proclamation of National Service 11/199. • Extend existing labor protections to persons performing National Service and other mandatory citizen duties. • Develop and implement procedures to identify trafficking victims and refer them to services, including both domestic and foreign victims. • Provide protective services to all trafficking victims, including domestic and foreign victims. • Train all levels of the government to identify and address trafficking crimes. • Increase partnerships with international organizations and NGOs to combat human trafficking.

PROSECUTION

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

The government has not reported investigating, prosecuting, or convicting any suspected traffickers for the last 13 years. The government did not report any investigations, prosecutions, or convictions of government officials complicit in human trafficking offenses; however, official complicity in trafficking crimes remained a significant concern, inhibiting law enforcement action during the year. The government continued to enforce arbitrary limits to the compulsory National Service for the 23rd consecutive year. Reports alleged some partially or wholly government-funded enterprises employed National Service workers. The government did not report on efforts to train law enforcement during the reporting period, compared with conducting at least two anti-trafficking trainings and participating in a regional workshop on police cooperation during the previous reporting period.

PROTECTION

The government maintained inadequate victim protection efforts. The government has not reported any efforts to identify or protect trafficking victims since reportedly providing repatriation assistance to Eritrean victims in 2015. The government did not report having formal procedures to proactively identify trafficking victims among vulnerable groups. Eritreans fleeing the country and Eritrean refugees in neighboring countries remained particularly vulnerable to the government indiscriminately arresting, detaining, harassing, or forcibly recalling them into the National Service. The government did not report having or developing a systematic mechanism for the referral of identified trafficking victims to care. In addition, it did not provide information on its funding for victim protection or provision of incentives for victims to assist in trafficking investigations or prosecutions. The government did not report providing foreign victims with legal alternatives to their removal to countries where they faced retribution or hardship; however, Eritrea maintained a policy against forced deportations. Eritrean law requires offenders in all crimes to pay restitution, although victims have the option of suing for such in civil court rather than have the criminal court impose it. If an offender's assets are too limited to pay both restitution and the associated fines, the government mandates restitution be paid first. There were no reports that courts imposed this penalty for trafficking crimes during the reporting period.

PREVENTION

The government maintained minimal efforts to prevent trafficking. The government continued to subject its nationals to forced labor by forcing them to serve for indefinite or otherwise arbitrary periods in its compulsory national service and citizen militia. The government maintained an interagency steering committee on trafficking and migration issues; however, the government did not report any action taken by the steering committee during the reporting period. The government remained without a formal national action plan to combat human trafficking. For the second consecutive year, the government participated in a regional anti-trafficking meeting sponsored by an international organization. Officials continued to coordinate with an international organization's regional anti-trafficking project, intended to create an East Africa region-wide action plan with complementary national-level plans. The government did not report conducting any anti-trafficking awareness campaigns, compared with reports in previous years that the government educated its citizens on the dangers of human trafficking through awareness-raising events, poster campaigns, and mass convocations and exhortations. The government did not report operating a hotline to provide potential victims of trafficking with a number to call for assistance or information about human trafficking. The government did not report on its efforts to reduce the demand for commercial sex acts, nor did it report providing anti-trafficking training for its diplomatic personnel.

TRAFFICKING PROFILE

As reported over the past five years, human traffickers exploit domestic victims and may exploit foreign victims in Eritrea, and traffickers exploit victims from Eritrea abroad. Perennially, thousands of Eritreans who flee the country are smuggled migrants seeking to be reunited with family members already overseas; are those who sought to escape human rights abuses, including arbitrary arrest and detention, lack of due process, and religious persecution; were in search of better economic opportunities; or hoped to avoid the often indefinite periods of service in the government's mandatory National Service. Proclamation 82 of 1995 requires all persons aged 18 to 40 years to perform compulsory active national service ostensibly for a period of 18 months—six months of military training followed by 12 months of duty in a variety of military, security, or public service positions. However, since the 1998-2000 Eritrean-Ethiopian border conflict, the 18-month limit has been suspended; most individuals are not demobilized from government work units after their mandatory period of service but rather are forced to serve indefinitely under threats of detention, torture, or familial reprisal. An international organization assesses that many Eritrean asylum seekers, particularly those who deserted the National Service when they fled, expressed well-founded fears of persecution in Eritrea. There are unconfirmed reports that returnees have disappeared. An international organization assessed in 2019 that traffickers exploited Eritreans in forced labor and sex trafficking primarily in Sudan, Ethiopia, and Libya.

National Service takes a wide variety of forms, and active military duty constitutes a small and diminishing percentage; office work in government agencies and enterprises (functions ranging from lawyers, diplomats, and mid-level managers to skilled technicians and mechanics, to clerical, maintenance, and janitorial work); medical professionals and support workers; elementary and secondary school teachers; and construction or other unskilled physical labor. Reports also allege that officials force National Service workers to labor in mining enterprises partially owned by the government; specific instances alleged to date have involved white collar occupations in mine management, technical analysis, and/or government oversight responsibilities. Conditions are often harsh for those in military service or physical labor, although some National Service members experience normal, civilian workplace conditions, albeit with low pay and, in many cases, negligible to complete lack of freedom to pursue alternative employment opportunities. International organizations report that the government often subjects conscripts in the National Service to inhuman and degrading punishment, including torture, without recourse and punishes individuals that conscientiously object to service; the government continues to force conscripts to serve for indefinite or otherwise arbitrary periods. Discharge from National Service is arbitrary and

procedures opaque. Additionally, the government broadly restricts recruitment of Eritreans to work abroad, denying travel to most Eritreans, including those enrolled in National Service and those who have not yet performed National Service. In 2012, the government instituted a compulsory citizen militia, requiring medically fit adults up to age 70 not currently in the military to carry firearms and attend military training or participate in unpaid national development programs, such as soil and water conservation projects on a part-time basis. Eritreans may be released from National Service after an indefinite number of years by petitioning the government based on criteria that shift periodically and are not fully transparent; policies and practices for obtaining release from National Service are inconsistent across organizations and job fields, but officials generally release expectant mothers and individuals who can show they have become the sole or primary source of familial support. Certain professions (e.g., medicine and teaching) exist almost exclusively within the ranks of the National Service. Wages are low, although pay scales have been revised for a number of job functions in recent years, particularly for those with higher education or skilled training credentials. Reports suggest that approximately 50 percent of National Service workers are eligible to receive such pay raises—which range from 800 to 5,000 nafka (\$53-\$330) per month. National Service workers without educational or vocational qualifications continue to be paid extremely low wages, and the government often substitutes food or non-food rations for wages. Eritrean officials reportedly have discussed hard-capping National Service to 18 months; however, changes in policy have never been publicly announced, and those serving in the obligatory government program beyond 18 months have yet to be demobilized.

All 12th-grade students are required to complete their final year of high school education at the *Warsay-Yikealo* Secondary School, which is embedded within the *Sawa* military and training academy; those who refuse to attend cannot receive high school graduation certificates, attain higher education, or be offered some types of jobs. The program comprises seven months of academic instruction, followed by five months of basic military training. Upon graduation from *Sawa*, the government requires all students to participate in National Service, either civilian or military. Although it remains likely some of the students are age 17 at the time of their participation in the military training component of the *Warsay-Yikealo/Sawa* academy, there are no reports anyone under age 18 began military service. Government policy bans persons younger than 18 from military conscription; however, as National Service is mandatory starting at age 18, the government does not report recruiting any members of the armed forces, and it remains unclear if there is an age verification procedure that is consistently applied prior to it sending new *Sawa* graduates to active military service. Unaccompanied children continue to be vulnerable to violence and exploitation. Some officials detain or force into military training children who attempt to leave Eritrea, despite some of them being younger than the minimum service age of 18. Previous reports alleged international criminal groups kidnap vulnerable Eritreans living inside or in proximity to refugee camps, particularly in Sudan, and transport them primarily to Libya, where traffickers subject them to human trafficking and other abuses, including extortion for ransom. Some migrants and refugees report traffickers force them to work as cleaners or on construction sites during their captivity.

In 2018, the government opened various land border crossing points with Ethiopia and ceased requiring exit visas or other travel documents for Eritreans crossing to Ethiopia. By January 2019, the government unilaterally closed those borders; Ethiopia closed the same border in March 2020 in light of the COVID-19 pandemic. During the reporting period, on the Eritrean side, both official border crossings with Sudan remained closed. Most Eritreans consensually commence their outbound journeys by paying smugglers, with the ultimate goal of seeking asylum in Europe or, at a minimum, obtaining refugee status in Ethiopia, Kenya, Egypt, Israel, or Uganda; some also strive to reach the United States. In many cases, once outside Eritrea, traffickers subject them to forced labor or sex trafficking. Eritrea's strict exit control procedures and limited issuance of passports compel those who cannot obtain exit visas or passports to travel clandestinely and increase their vulnerability to trafficking abroad, primarily in Sudan, Ethiopia, and to a lesser extent Djibouti.

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