

# ERITREA 2012 HUMAN RIGHTS REPORT

## EXECUTIVE SUMMARY

The government of the State of Eritrea is a highly centralized, authoritarian regime under the control of President Isaias Afwerki. The People's Front for Democracy and Justice (PFDJ), headed by President Isaias, is the sole political party. There have been no elections since the country's independence from Ethiopia in 1993. Elements of the security forces sometimes acted independently of civilian control.

Unlawful killings by security forces continued, as did torture, harsh prison conditions, and incommunicado detention, which sometimes resulted in death. The government continued to force persons to participate in its national service program, often for periods of indefinite duration. The government also severely restricted civil liberties, including freedom of speech, press, assembly, association, and religion.

Other abuses included: politically motivated disappearances; arbitrary arrest and detention, including of national service evaders; executive interference in the judiciary; detention of political prisoners and detainees; lack of due process and excessive pretrial detention; infringement of privacy rights; restrictions on academic freedom and cultural events; and limits on freedom of movement and travel. Abuse and discrimination against women and the Kunama ethnic group were a concern. The law criminalizes consensual same-sex activity. Child abuse, female genital mutilation/cutting (FGM/C), human trafficking, and forced child labor occurred. Government policies limited worker rights.

The government did not prosecute or punish officials who committed abuses, whether in the security services or elsewhere in the government. Impunity was the norm.

### **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

#### **a. Arbitrary or Unlawful Deprivation of Life**

The government committed arbitrary killings and subjected detainees to harsh and life-threatening prison conditions, including torture, which resulted in deaths.

Reporters Without Borders provided information that four journalists had died while in detention. The deaths reportedly occurred in prior years (see section 2.a.).

Deaths resulted from the continued authorized use of lethal force against individuals resisting or attempting to flee military service or attempting to leave the country clandestinely. Persons detained for evading national service reportedly died from harsh treatment.

There were no developments in the reported arbitrary killings in 2011.

### **b. Disappearance**

An unknown number of persons disappeared during the year; they were assumed to be in government detention or to have died while in detention. The government did not regularly notify family members or respond to information requests regarding the status of detainees. Disappeared persons included those detained for political and religious beliefs, journalists, and individuals suspected of evading national service, as well as persons for whom no discernible charge could be identified.

Detentions of several foreign nationals occurred for short periods of time without information being provided to embassy officials or sometimes to family members. In cases where foreign consular officials questioned government authorities about missing nationals, these authorities denied their ability to obtain information. In one instance officials from a detained foreign national's embassy located him in a hospital under police custody. In another case, police held without charge until November a woman whose relatives reported her to be in police custody in June. Government authorities initially stated they could not determine her whereabouts and then failed to reply to diplomatic notes requesting further information and consular access.

According to Reporters Without Borders, approximately 30 journalists were in prison (see section 2.a.). The government continued to detain incommunicado local staff employed by foreign diplomatic missions; it did not answer requests for information regarding their location or charges against them.

Roundups of those suspected of evading national service reportedly occurred early in the year, and a series of roundups later in the year targeted those suspected of avoiding participation in the mandatory citizen militia. Authorities detained unknown numbers of persons for unspecified periods of time.

There were no reported developments in 2011 cases of disappeared persons. There was no reliable new information on the circumstances of the group of 15 high-level

political prisoners arrested in 2001, although opposition groups in Europe claimed that some of the original detainees, including 11 government ministers or other high-level officials, succumbed to the harsh conditions of detention.

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

The law and unimplemented constitution prohibit torture; however, torture and beatings occurred within prisons and detention centers. Lack of access made it impossible to determine the numbers or circumstances of deaths due to torture or poor detention conditions.

Security forces tortured and beat army deserters, national service evaders, persons attempting to flee the country without travel documents, and members of certain religious groups. Released and escaped detainees from previous years who detailed their experiences on diaspora Web sites and elsewhere described prison conditions that included exposure to extreme heat during confinement in crowded and unventilated metal shipping containers, or in crowded basements without ventilation or sanitation.

### **Prison and Detention Center Conditions**

Prison conditions remained harsh and life-threatening. The government did not permit independent monitoring by domestic or international observers.

Physical Conditions: Neither the approximate number of detainees nor the number of detention centers was known. Severe overcrowding was reportedly common. 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 facilities for young persons. When police arrested mothers for petty crimes such as begging, their young children were sometimes held with them.

Refusal to perform military service, failure to enlist, fraudulent evasion of military service, and desertion were punishable by lengthy imprisonment. Detention center conditions for persons temporarily held for evading national service were said to be harsh, equivalent to conditions for national security detainees. Authorities placed political prisoners in solitary confinement more often than other detainees.

Data on the prevalence of death in prison and detention facilities were not available, although persons reportedly died from harsh conditions. One person released midyear after several weeks in detention reported that the detention facility consisted of a shipping container without ventilation or provision for sanitation. The government did not provide adequate basic or emergency medical care in prisons or detention centers. Food was not adequate. Potable water was sometimes available only for purchase. There were reportedly numerous unofficial detention centers, some located in military camps. Use of psychological torture was common, according to former inmates. Some former prisoners reported that interrogations and beatings appeared to be conducted in such a way that those not being interrogated or beaten would hear and fear that they might suffer the same punishment.

Administration: Because recordkeeping procedures were not transparent, verifying that authorities released prisoners convicted of crimes after serving maximum sentences for charged offenses was impossible. Whether authorities used alternatives to sentencing for nonviolent offenders was not known. There were no prison ombudsmen to respond to complaints.

Prisoners and detainees did not have consistent access to visitors. Authorities generally did not permit family visits for some persons detained, arrested, or convicted for reasons of national security or for evading national service, whereas those convicted of crimes were permitted visits, although without predictable regularity. Authorities did not permit religious observance for some prisoners and detainees, although at least one detention center had a facility where prisoners were permitted to conduct religious observations. Prison officials generally allowed Muslims to pray. International religious organizations claimed that authorities interrogated detained individuals about religious affiliation and asked them to identify members of outlawed religious groups. Prisoners and detainees could not submit complaints to judicial authorities, and authorities did not adequately investigate or monitor prison or detention center conditions.

Monitoring: During the year the government did not permit international bodies, including the International Committee of the Red Cross (ICRC), to monitor prison conditions, nor was the ICRC given access to Ethiopian or Djiboutian prisoners of war (POWs) allegedly detained in the country. Two Djiboutian POWs who escaped from detention in 2011 claimed that prison officials did not give them adequate medical treatment for wounds and that they suffered malnutrition.

#### **d. Arbitrary Arrest or Detention**

The law and unimplemented constitution prohibit arbitrary arrest and detention, but arbitrary arrest and detention remained widespread.

In several cases foreign nationals, particularly those with dual citizenship or those identifiably of Eritrean descent, were detained after arriving in Asmara, sometimes at length and usually without charge.

Authorities also arrested persons suspected of loyalty to Ethiopia.

### **Role of the Police and Security Apparatus**

Police were responsible for maintaining internal security, and the army was responsible for external security, but the government sometimes utilized the armed forces, the reserves, demobilized soldiers, or the newly mustered civilian militia to meet domestic and external security requirements. Agents of the National Security Office, which reports to the Office of the President, were responsible for detaining persons suspected of threatening national security. The armed forces have authority to arrest and detain civilians. Police generally did not have a role in cases involving national security. Impunity for abuse was the norm.

### **Arrest Procedures and Treatment While in Detention**

The law stipulates that, unless there is a “crime in progress,” police must conduct an investigation and obtain a warrant prior to making an arrest. In cases involving national security, this process may be waived. In practice very few individuals were arrested with a warrant. The law stipulates that detainees must be brought before a judge within 48 hours of arrest and may not be held more than 28 days without being charged with a crime. In practice suspects were detained for longer periods without being brought before a judge, charged with a crime, or in some cases being told the reason for their detention. Authorities also sometimes changed charges during detention. The government took the position that those detained without charge should be assumed to be held in relation to national security concerns.

The law provides for a bail system. In practice bail was arbitrary and not always set, and sometimes reportedly involved paying bribes to persons with government connections to intercede.

Incommunicado detention was widespread. Detainees in prisons, including those held on national security grounds and those considered indigent, often did not have access to counsel. Detainees in police stations not held on national security grounds sometimes received family visits.

Arbitrary Arrest: Arbitrary arrest occurred frequently. Security force personnel detained individuals for activities that included suspicion of intent to evade national service, criticizing the government, practicing certain religious beliefs, and unspecified national security threats. Some persons were detained temporarily for questioning about their intent to evade national service even if they were able to present valid papers documenting their national service exemption. Authorities detained persons indefinitely under national security-related charges.

In contrast with previous years, there were no reports that security forces continued to detain and arrest the parents and spouses of individuals who evaded national service or fled the country.

There were reports of mass arrests known as roundups, in which police held citizens without charge while authorities sorted out their military paperwork in search of deserters or persons who hoped to avoid participation in the citizen militia.

Unlike in previous years there were no reports that the government continued to arrest arbitrarily members of nonregistered religious groups, although persons arrested in previous years remained in detention. Opposition Web sites claimed that authorities detained family members and household staff of a government minister suspected of defecting.

The government released an unknown number of the evangelicals arrested on New Year's Eve 2010 and in January 2011.

The government considers persons of Eritrean descent with dual nationality Eritreans only, regardless of the passports they might bear. During the year security forces arbitrarily arrested foreign passport bearers of Eritrean descent and failed to provide details of charges or consular access.

Reports indicated that persons with connections to high-level officials instigated arrests of diaspora returnees, sometimes for financial gain. Authorities often did not formally charge detained diaspora returnees.

Pretrial Detention: The government held numerous detainees without charge or due process. The percentage of the population of prisons and detention centers in pretrial detention was not available.

### **e. Denial of Fair Public Trial**

The law and unimplemented constitution provide for an independent judiciary; however, in practice executive control of the judiciary continued, and the judiciary was not independent or impartial. Judicial corruption remained a problem. The Office of the President served as a clearinghouse for citizens' petitions to some courts or acted for some courts as arbitrators or facilitators in civil matters. The judiciary suffered from lack of trained personnel, inadequate funding, and poor infrastructure.

### **Trial Procedures**

The law and unimplemented constitution provide for presumption of innocence, for defendants to be informed promptly and in detail of charges, and for fair public trial by a court of law, but in practice many detained persons were not brought to trial. No cases involving individuals detained for national security or political reasons were brought to trial during the year. The law does not specifically address adequate time to prepare one's defense, access to government-held evidence, the right of defendants to confront witnesses, or the right of defendants to refuse to testify, although courts afforded some of these rights to defendants in practice.

In civil and criminal courts, defendants have the right to be present and to consult with attorneys, but for those without means government legal aid was usually not available. 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 can be appealed to the next appellate court. Should that court reverse a decision, the party whose petition a court did not sustain can appeal to the five-judge upper appellate court. However, should the lower appellate court uphold the decision of a regional court, there is no second appeal.

No lawyers practice in special courts, which deal with high profile cases and operate under the executive branch. Judges serve as prosecutors and may request that individuals involved in given cases present their positions. Most trials in special courts were not open to the public.

Rural courts generally followed traditional and customary law rather than constitutional law and were headed by rural elders or elected officials. Local administrators in rural areas encouraged citizens to reconcile outside the court system for less serious cases. Community courts were widely used. Trials in rural courts were open to the public and heard by a panel of judges.

### **Political Prisoners and Detainees**

An international nongovernmental organization (NGO) reported that the government continued to hold five to 10 thousand suspected political opponents without charge and perhaps tens of thousands of additional persons suspected of evading or deserting national service.

The government did not permit access to such persons from international humanitarian organizations. No new information was available regarding Eritrean diplomats and staff of foreign embassies and international organizations detained in previous years.

### **Civil Judicial Procedures and Remedies**

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

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

The law and unimplemented constitution prohibit arbitrary interference with privacy, family, home, or correspondence, but the government did not respect these rights in practice.

There were reports that security force members targeted gatherings of unregistered religious groups, and that security personnel searched the homes of members and detained those suspected of belonging to religious groups not among the four permitted by law.

The government monitored mail, e-mail, text messages, and telephone calls without obtaining warrants as the law requires. Government informers were widely believed to be present throughout the country. Many citizens believed the government monitored cell phones in particular, as permits are required to use SIM cards. In previous years mail was commonly opened and resealed before delivery, although there was no evidence that the practice continued during the year.

There were no claims during the year that security forces confiscated property of individuals suspected of evading national service, deserting the military, or fleeing the country, although some family members of deserters reportedly fled in fear that they would suffer reprisals.

Membership in the PFDJ, the only legal political party, was not mandatory; however, some categories of individuals, particularly those occupying government positions, were pressured to join. The majority of citizens were occasionally convoked to attend political indoctrination meetings irrespective of PFDJ membership. Some Eritreans in the diaspora claimed that convocations occurred at Eritrean embassies, and the names of those not attending were reported to government officials. Other diaspora Eritreans whom the regime deemed insufficiently loyal--either through lack of tax payments or other support--asserted that their families in Eritrea were subjected to government harassment.

Reportedly authorities occasionally visited refugee camps in Sudan and interrogated and seized “critical personnel” who had fled from the country; in some cases they brought them back to Eritrea.

## **Section 2. Respect for Civil Liberties, Including:**

### **a. Freedom of Speech and Press**

The law and unimplemented constitution provide for freedom of speech and press; however, the government severely restricted these rights in practice.

Freedom of Speech: The government severely restricted the ability of individuals to criticize the government in public or in private. The government attempted to impede criticism.

Freedom of Press: The law bans private broadcast media and foreign ownership of the media and requires that documents be submitted to the government for approval prior to publication. The government controlled all existing media, which included one newspaper, editions of which were published in Tigrinya, English, and Arabic; three radio stations; and a television station. Official media focused primarily on local issues, celebrations, descriptions of good moral practices, and profiles of national heroes.

The law requires journalists to be licensed. The government allowed satellite dishes. Their use was common in Asmara, Massawa, and other cities, and increasingly in the countryside, with the result that some persons in the country had access to a range of international cable television networks, including several from Ethiopia. Some of these were periodically jammed. A number of satellite radio stations run by diaspora Eritreans, including Radio Erena, based in Paris, attempted to reach listeners in the country. The government jammed this station in August and September. Persons could also receive radio broadcasts originating in Ethiopia.

Those who regularly publish materials must have permits. The law restricts printing and publication of materials. The printing of a publication that does not have a permit and the printing or dissemination of prohibited foreign publications are both punishable. Government approval is required for distribution of publications from religious or international organizations.

Violence and Harassment: According to Reporters Without Borders, the government continued to detain 28 journalists as well as others associated with the media. The government did not provide information about their locations or health.

In August authorities reportedly arrested and detained without charge journalist Ahmed Shek Umer, chief of Arabic programming on Eri-TV. On December 29, they announced his release at an earlier date.

Reporters Without Borders cited former detention center guards as having stated that journalists Dawit Habtemichael, Mattewos Habteab, and Wedi Itay, who had been held in detention without trial since 2001, died at Eiraeiro detention camp, and another journalist who had been detained since 2009 died in Abi Abeito military prison. The exact dates of the deaths were not available but reportedly occurred in prior years.

There was no information available regarding journalists Nebiel Edris, Ahmed Usman, Mohamed Osman, and Tesfalidet Mebrahtu, whom authorities arrested in 2011.

Reporters Without Borders stated that authorities released Said Abdulhai, the former head of the Ministry of Information's press department and the person responsible for the state newspaper. Authorities arrested him in 2010. Radio Bana

staff member Yirgalem Fisseha Mebrahtu, detained in 2009, reportedly was hospitalized.

Censorship or Content Restrictions: Most independent journalists remained in detention or abroad, which effectively limited any domestic media criticism of the government. Journalists practiced self-censorship due to fear of government reprisal. Journalists were required to obtain government permission to take photographs.

Libel Laws/National Security: Although neither libel nor national security laws were used to prosecute persons, the government repeatedly asserted that national security concerns were at the root of limitations on free speech. Persons detained in relation to freedom of speech and press occasionally were held indefinitely without being brought to trial.

### **Internet Freedom**

The government monitored some Internet communications, including e-mail, without obtaining warrants. Internet users had a choice from among five service providers, some of which were government-owned. Internet cafes with limited bandwidth were available in Asmara and other major cities, but the vast majority of persons in the country did not have access to the Internet. According to the International Telecommunications Union, 6.2 percent of individuals used the Internet in 2011. Internet users who needed larger bandwidth paid prices beyond the reach of most persons in the country.

Government informants frequented Internet cafes during periods of unrest in nearby countries or when international media reported news about the country. In previous years some Internet cafes closed on short notice, and their owners were said to have been detained on grounds of circulating pornography, although many believed that the cafes had facilitated access to opposition Web sites of the diaspora. The government discouraged citizens from viewing some opposition Web sites by labeling the sites and their developers saboteurs. Some citizens expressed fear of arrest if caught viewing such sites. Nonetheless, the sites were generally available.

The government became more sophisticated in disseminating information via the Internet, and a number of progovernment sites competed with opposition sites.

### **Academic Freedom and Cultural Events**

The government restricted academic freedom and cultural events.

The government scrutinized activities at private secondary schools and, in some cases, denied visas to foreign teachers arbitrarily or presented impediments to proper administrative functioning. Some parents of students in private schools charged that educational quality suffered as a result of disputes between government officials and school administrators.

With few exceptions, secondary school students spent their last high school year at the Sawa military and educational camp. Students had to complete military training at Sawa (or receive a medical or other waiver) before being allowed to take entrance exams for institutes of higher education. Authorities assigned those who took entrance exams to courses of study based on exam results instead of being allowed to choose their own educational paths.

The government sometimes denied passports or exit visas to students and faculty who wanted to study or do research abroad. Some persons claimed that authorities scrutinized academic travel for consistency of intent with government policies.

The government censored, canceled, or closed films and other cultural activities. It monitored libraries and cultural centers maintained by foreign embassies and in some instances questioned employees and citizen users. The government directly sponsored most cultural events.

## **b. Freedom of Peaceful Assembly and Association**

### **Freedom of Assembly**

The law and unimplemented constitution provide for freedom of assembly and association; however, the government restricted these rights in practice. For some public gatherings, the government sporadically required those assembling to obtain permits. Gatherings of more than seven persons without prior approval, with the exception of events such as weddings, funerals, and religious observances, were subject to investigation unless the gatherings appeared to be social in nature or occurred in the context of meetings of government-affiliated organizations. Gatherings appearing to be political or religious in nature were subject to government interference.

### **Freedom of Association**

The law and unimplemented constitution provide for freedom of association; however, the government did not respect this right in practice.

The government did not allow the formation of any political parties other than the PFDJ. It also prohibited the formation of associations except those with official sponsorship.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/j/drl/irf/rpt](http://www.state.gov/j/drl/irf/rpt).

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The law and unimplemented constitution provide for freedom of internal movement, foreign travel, emigration, and repatriation; however, the government restricted all these rights in practice. Citizens participating in national service or exempt from national service often were denied passports and exit visas on grounds that they had not fulfilled their military duties.

The government provided limited cooperation to the Office of the UN High Commissioner for Refugees to provide protection and assistance. The government defined refugee differently from the 1951 Convention and 1967 Protocol Relating to the Status of Refugees; the government did not recognize refugee status for Ethiopians. The government provided protection to Somali and Sudanese refugees on a prima facie basis.

In-country Movement: The government required citizens to notify local authorities when they changed residence. When traveling within the country, particularly in remote regions or near borders, authorities asked them to provide justification for travel at checkpoints. Checkpoints were few in number except in remote regions.

In contrast with previous years, there was no evidence that the government extensively used checkpoints to identify national service evaders or military deserters.

Travel restrictions on noncitizens remained in effect. The government required all diplomats, humanitarian workers, UN staff, and foreign tourists to request

permission from the government 10 days in advance to leave Asmara. The government did not respond to a number of such requests early in the year but granted permission more liberally during the second half of the year.

Foreign Travel: The government restricted foreign travel. Requirements for obtaining passports and exit visas were inconsistent and nontransparent. Nonetheless, increasing numbers of citizens traveled abroad legally to Dubai, Saudi Arabia, Egypt, and Qatar.

The government required citizens and some foreign nationals to obtain exit visas to depart the country. Categories of persons most commonly denied exit visas included men under the age of 54, regardless of whether they had completed the military portion of national service, and women younger than 47. Some relaxation of exit visa requirements appeared to take place during the year, including for medical purposes, allowing an unknown number of persons below the age cutoffs to leave the country.

To prevent emigration, the government generally did not grant exit visas to entire families or both parents of children simultaneously. Some parents avoided seeking exit permits for children approaching the age of eligibility for national service due to concern that they would be denied permission to travel, although other adolescents were granted exit permits. Diaspora members who visited the country reported being required to pay a 2-percent tax on foreign earned income before being given exit visas.

Emigration and Repatriation: In general citizens had the right to return. However, citizens residing abroad had to show proof that they paid the 2-percent tax on foreign earned income to be eligible for some government services, including passport renewals. Persons known to have broken laws abroad, contracted serious contagious diseases, or been declared ineligible for political asylum by other governments had their visas and visa requests to enter the country considered with greater scrutiny than others did.

Citizenship: The government considered persons of Eritrean descent to be citizens and did not recognize their possible citizenship in other nations.

The government did not grant consular access to detained dual citizens. In 1994 the government revoked citizenship of members of Jehovah's Witnesses due to their refusal to take part in the referendum on independence or participate in the military portion of national service. Members of Jehovah's Witnesses who did not

perform military service were not able to obtain identification cards and thus were not eligible for government-sector jobs or for ration coupons to buy basic essentials (food and kerosene) at government-subsidized prices.

### **Protection of Refugees**

Access to Asylum: The country's laws do not specifically provide for the granting of asylum or refugee status, although in practice the government offered protection to some individuals from neighboring countries, predominantly Somali and Sudanese refugees. The government did not grant Ethiopians asylum, although it allowed them to remain in the country.

The government required noncitizens to pay an annual fee for a residency card. The fee was 500 nakfa (\$33); the card demonstrated that a foreigner was not indigent.

Employment: There did not appear to be discrimination based on nationality in terms of employment or entitlements with the exception of resident Ethiopians, some of whom the government viewed as potential security risks.

Access to Basic Services: Individuals of Ethiopian origin living in the country sometimes claimed that they received social entitlements commensurate with their perceived degree of loyalty to the government.

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

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

### **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. This government did not permit the formation of a democratic system. The government twice scheduled elections in accordance with the constitution but cancelled them without explanation. An official declaration in 2003 asserted that, "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.” Government officials also stated that implementation of the constitution was not possible until the border demarcation with Ethiopia was final.

Political Parties: The country is a one-party state. Power rested with the PFDJ and its institutions. At times the government coerced persons to join the PFDJ.

Participation of Women and Minorities: Women held four ministerial positions in the government: justice, labor and human welfare, tourism, and health. Women also served in other government positions, including as mayors and regional administrators.

Members of ethnic minorities were on the PFDJ’s Executive Council or served on the Central Council. Some senior government and party officials were members of minority groups. The head of the navy was an ethnic Afar.

#### **Section 4. Corruption and Lack of Transparency in Government**

The law provides criminal penalties for corruption by officials. However, official corruption was a problem and occurred with impunity.

Persons seeking executive or judicial services sometimes reported that they obtained services more easily after having paid a “gift” or bribe through a system of patronage and cronyism. Petty corruption within the executive branch was based largely on family connections and used to facilitate access to social benefits. Some persons who benefited from preferential treatment due to perceived loyalty to the government subsequently were denied services such as housing when their political loyalties appeared to change. Judicial corruption was also a problem, and acts such as property expropriation generally were not prosecuted when military or security officials or those seen as being in favor with the government carried them out.

The UN Monitoring Group on Somalia and Eritrea as well as others cited allegations that leaders of the country’s armed forces, including General Teklai Kefle, were involved in trafficking in persons. Members of the armed forces were also said to engage in illicit trade in arms and black market sales of goods such as diesel fuel and cement. There was some evidence that members of the armed forces collaborated with members of the Ethiopian armed forces to facilitate emigration across the Ethiopian border. Members of the armed forces also were said to visit Eritrean refugees in camps in Sudan occasionally to offer illicit

passage to third nations in exchange for the payment of large fees. Some who accepted passage under these circumstances claimed to have been abused.

There were reports of police corruption. Police occasionally used their influence to assist friends and family in facilitating their release from prison. There were reports that police demanded bribes to release detainees. There were no effective mechanisms to address allegations of official abuse, and impunity was a problem.

Reports of corruption existed in the government's issuance of identification and travel documents, including in the passport office. Individuals requesting exit visas or passports sometimes had to pay bribes.

The government had a history of nationalizing profitable private companies, although during the year it was in the process of privatizing several large state-owned firms.

Public officials were not subject to financial disclosure laws, and no government agency was responsible for combating government corruption.

Although the law and unimplemented constitution provide for public access to government information, the government did not, as a rule, release statistics or provide information to either citizens or noncitizens.

### **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

The government closed all international NGO offices in previous years. Civil society organizations were few and, other than those with official affiliations, lacked capacity.

UN and Other International Bodies: The government continued to place restrictions on UN operations in the country. By requiring UN organizations to obtain permission for travel outside the capital, the government effectively controlled their access to rural areas, complicating routine monitoring of projects. The government denied visits to prisoners, including POWs and others potentially in need of services.

The government permitted the ICRC to operate, although it limited ICRC operations to repatriation, providing shelter to families displaced by the conflict

with Ethiopia, and providing assistance to internally displaced persons. It did not permit the ICRC to visit prisons or detention centers.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The law and unimplemented constitution prohibit discrimination against women and persons with disabilities, and discrimination based on race, language, and social status, but the government did not enforce these provisions. The constitution does not specifically address discrimination based on sexual orientation or gender identity.

### **Women**

Rape and Domestic Violence: Rape is a crime punishable by up to 10 years of imprisonment. Gang rape or rape of a minor or an invalid is punishable by up to 15 years in prison. Sexual assault is punishable by six months to eight years in prison. Spousal rape is not outlawed specifically. No information was available on the prevalence of rape. Religious authorities or families sometimes responded to reports of rape by encouraging the perpetrator to marry the victim. Unlike in previous years, there were no reports of rapes of women attending mandatory military and educational training at the Sawa camp.

Violence against women occurred particularly in rural areas. Domestic violence is a crime; however, domestic violence cases rarely were brought to trial, and there were no legal penalties. Women sometimes refrained from openly discussing domestic violence because of societal pressures. Such incidents were more commonly addressed by traditional authorities, within families, or by clergy. A lack of trained personnel, inadequate funding, and unsupportive societal attitudes hindered the authorities' response to domestic violence.

Sexual Harassment: Sexual harassment is illegal, but cultural norms often prevented women from reporting such incidents. No one was known to have been charged or prosecuted for sexual harassment during the year or previously.

Reproductive Rights: Couples and individuals have the basic right to decide freely and responsibly the number, spacing, and timing of their children, and to have the information and means to do so free from discrimination, coercion, and violence. According to the UN Population Fund, the maternal death rate was an estimated 240 maternal deaths per 100,000 live births in 2010, with 28 percent of births attended by skilled health personnel. Five percent of women ages 15-49 used a

modern method of contraception. Access to government-provided contraception, skilled attendance during childbirth, prenatal care, essential obstetric care, and postpartum care was available, but women in remote regions sometimes did not seek or could not obtain the care they needed due to lack of transportation, fuel, or awareness of opportunities.

Discrimination: Women have a legal right to equal educational opportunities, equal pay for equal work, and equal property rights. The percentage of men receiving access to education, economic resources, and employment exceeded that of women, particularly in rural areas. The Ministry of Labor and Human Welfare and the Ministry of Health are the primary government offices responsible for promoting legal rights of women along with the quasigovernmental National Union of Eritrean Women (NUEW).

## **Children**

Birth Registration: Citizenship is derived from at least one parent being an Eritrean citizen. Persons born abroad to at least one Eritrean parent also are considered citizens. Registration of a new birth within the first three months of a child's life requires only a hospital certificate; after three months, parents must present themselves to judicial authorities with their child and three witnesses. If not registered, a child cannot attend school but can receive medical treatment at hospitals. An increasing number of persons registered their children within the three-month period.

Education: Education through grade seven is compulsory and tuition-free; however, students' families were responsible for uniforms, supplies, and transportation. Education above grade seven required a nominal fee and was not compulsory. There was a shortage of schools and teachers at all levels. Schools had two shifts, which reduced the amount of teaching time per student. In rural areas, young girls were not as commonly enrolled in school as young boys were, but the percentage of girls in school continued to increase.

The government requires all students who reached the final year of secondary school to attend grade 12 at the Sawa educational and military camp in the western section of the country. Students who did not attend this final year did not graduate and could not take examinations for advanced education, although they could attend vocational schools. Some persons who attempted to leave the country did so to avoid going to the Sawa camp.

Child Abuse: There are no laws against child abuse. Local social welfare teams investigated circumstances reported to be abusive and counseled families when child abuse was evident. Physical punishment was accepted socially, particularly in rural areas.

Child Marriage: The legal minimum age for marriage for both men and women is 18, although religious entities may condone marriages at younger ages. The marriage rate for girls and boys under 18 was not known.

Harmful Traditional Practices: The law prohibits FGM/C. According to reliable sources, the practice of FGM/C has been largely eliminated in urban areas through government educational campaigns, but FGM/C continued among some of the rural population. In lowland areas, infibulations--the most severe form of FGM/C--was practiced. The government and other organizations, including the NUEW and the National Union of Eritrean Youth and Students, continued to sponsor a variety of education programs that discouraged the practice.

Sexual Exploitation of Children: The law criminalizes child prostitution, pornography, and sexual exploitation. The minimum age for consensual sex is 18. Penalties for the commercial sexual exploitation of children included imprisonment. Child prostitution occurred at locations in Asmara.

Child Soldiers: The law prohibits the recruitment of children under 18 into the armed forces. Younger children sometimes attended Sawa military and educational camp, and those who refused to attend with their cohort risked arrest. Students at Sawa were typically 18 years old or older, although some were reported to be as young as 16. Information was not available on whether persons who reached the last year of secondary school before they turned 18 were required to participate in military training at Sawa even if they did not wish to. Some reports indicated that unit commanders of the citizen militia inaugurated during the year had instructions to provide weapons to persons as young as 14, but it was not known if commanders complied with these orders or if persons under 18 participated in the militia.

Displaced Children: During the year humanitarian groups and interlocutors noted the occasional presence of children living in the street in Asmara due in part to lack of alternatives for coping with economic hardship. UNICEF funded programs for such children.

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

### **Anti-Semitism**

Fewer than 10 Jews lived in the country. There were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **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. This was interpreted as applying specifically to physical disabilities. The government dedicated substantial resources to support and train the thousands of men and women with physical disabilities resulting from the war for independence and the later conflict with Ethiopia. No laws mandate access for persons with disabilities to public roads, public or private buildings, information, and communications. An increasing number of hotels and government offices provided such access or employed guards who offered assistance as needed. The Ministry of Labor and Human Welfare was responsible for protecting the rights of persons with disabilities, and this included persons with mental disabilities.

### **National/Racial/Ethnic Minorities**

Discrimination against minorities was a problem. There were reports of governmental and societal discrimination against the nomadic Kunama, one of nine ethnic groups in the country, who reside primarily in the northwest.

Citizens in rural areas (where ethnic minorities were concentrated) received fewer basic services than those in Asmara.

### **Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity**

The law criminalizes consensual same-sex activity. Antidiscrimination laws relating to lesbian, gay, bisexual, or transgender (LGBT) persons do not exist. In the past the government accused foreign governments of promoting homosexuality. In contrast with previous years, there were no reports that the government rounded up individuals considered gay or lesbian, or that gays or lesbians in the armed forces were subjected to severe abuse. There were no known LGBT organizations in the country. In general, society stigmatized discussion of LGBT issues.

### **Other Societal Violence or Discrimination**

There was no known societal violence or discrimination against persons with HIV/AIDS.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides workers the legal right to form and join unions to protect their interests, and it allows unions to conduct activities without interference. Some government policies restricted free association or prevented the formation of unions, including within the civil service, armed forces, police, and other organizations providing 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. The law prohibits antiunion discrimination. While the law provides for the reinstatement of union leaders dismissed for union activity, it does not provide this same protection for other workers. The law also provides for collective bargaining and the right to strike. There is a fine of 1,200 nakfa (\$79) for antiunion discrimination or acts of interference. According to the International Labor Organization's Committee of Experts on the Application of Conventions and Recommendations, this fine did not constitute an adequate protection. No penal provisions specifically cover such violations.

The government did not respect freedom of association and the right to collective bargaining. There were no reports of strikes, collective bargaining, or government opposition to or approval of the formation of labor associations during the year. Union leaders were typically government employees, and the government generally sanctioned union activities. Unions existed for hotel workers, service personnel, agricultural professionals, and teachers, among other employment sectors. International human rights organizations charged that state-controlled

industries used national service participants as cheap sources of labor, effectively preventing market competition.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits some forms of forced or compulsory labor, including by children. The law states that compulsory national service, normal civic obligations, forced labor as provided for in the penal code, communal services, and services rendered during an emergency may not be regarded as forced labor. The government required all citizens beginning with those in grade 12 (or age 18 if not in secondary school), except persons with specific medical or other exemptions, to perform national service. The law also requires that women participate in national service, although married women, particularly with children, generally received exemptions if they requested them. In principle, national service consisted of 18 months of military duty or, in the case of secondary students, 12 months of education and six months of military duty. However, in practice some individuals, particularly nonsecondary school students, remained in the military indefinitely. For other persons national service consisted of the mandated period of military service followed by assignment to civilian government employment, or employment in the private sector on “reserve” status, with the government retaining the right to recall them into military service.

Many persons reported that they were required to work indefinitely in capacities and locations not of their choosing. In certain cases they were required to work for compensation below the minimum wage and with restrictions on their freedom of movement. Those in the military as part of the national service program were sometimes required to perform nonmilitary activities, for example, harvesting or work in the service sector. There were also reports that military officers used soldiers in national service to perform personal tasks such as construction of houses. Authorities assigned some persons performing national service to work for state-owned construction companies. Human Rights Watch reported allegations of forced labor at Nevsun’s Bisha mining project. According to Human Rights Watch’s interviews, Nevsun’s subcontractor, the PFDJ-owned Segen Construction Company, used national service conscripts. These persons reportedly worked under harsh conditions, including long hours with inadequate pay, food, or access to sanitation.

Also see the Department of State’s *Trafficking in Persons Report* at [www.state.gov/j/tip](http://www.state.gov/j/tip).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The legal minimum age for employment is 14, although this restriction does not apply to self-employed workers. The law prohibits those under 18 from employment in categories including transport industries, work connected with toxic chemicals or dangerous machinery, or work located underground or in sewers. However, this restriction does not apply to training. The government prohibited those under 18 years old from employment between 6 p.m. and 6 a.m. and for more than seven hours per day.

Labor inspectors from the Ministry of Labor and Human Welfare are responsible for enforcing child labor laws; however, capacity was inadequate, and penalties, if imposed, were arbitrary. Inspections were infrequent. Although the government had a national plan of action to protect children from exploitation in the workplace, it was not enforced effectively.

It was common for children in rural areas to work on family farms, including producing crops, fetching firewood or water, and herding livestock. In urban areas children worked as street vendors of cigarettes, newspapers, and chewing gum. Children also worked in small-scale manufacturing, garages, bicycle repair shops, and tea and coffee shops. They also transported grain or other goods via donkey cart. Begging and prostitution of children also occurred in Asmara.

The government continued to require secondary school students in the ninth, 10th, and 11th grades to participate in summer work programs known as “maetot.” News reports indicated that students engaged in activities such as environmental conservation; agricultural activities (irrigation, maintenance of canals, and terracing); production and maintenance of school furniture; and hygiene activities. The government required all secondary school students to complete 12th grade at the Sawa educational and military camp.

Also see the Department of Labor’s *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/programs/ocft/tda.htm](http://www.dol.gov/ilab/programs/ocft/tda.htm).

### **d. Acceptable Conditions of Work**

The government set wages for union workers, employees of PFDJ-owned enterprises, and government employees. There was no national minimum wage for the private sector. The government paid civil service employees and national service recruits according to a fixed scale; the most common salary was 500 nakfa

(\$33) per month. For some professions, wages did not increase for more than a decade despite high inflation. The standard workweek was 44.5 hours, but employers sometimes required overtime without fair compensation. There were no prohibitions against excessive overtime. Workers were legally entitled to overtime pay, except for those employed under national service, but this was not always enforced. The legal rest period is one day per week, although most received one and a half days.

No published occupational health and safety standards existed. The Ministry of Labor and Human Welfare was responsible for ensuring worker safety and well-being. No regular enforcement mechanisms were in place, and no inspections of factories occurred to determine whether safety equipment was in use.

Information regarding abuses pertaining to wage, overtime, safety, and health standards was not generally available.